ANNUAL REPORT 1985

The Law Society of Upper Canada

Ontario Legal Aid Plan

86-01811/

The Law Society of Upper Canada
Osgoode Hall
Toronto, M5H 2N6

September 30, 1985

THE HONOURABLE IAN SCOTT, Q.C.,
Attorney General for Ontario,
18 King Street East,
Toronto, Ontario

Dear Mr. Attorney,

The Law Society of Upper Canada submits to you the eighteenth Annual Report of the Ontario Legal Aid Plan for the year ended March 31, 1985 pursuant to the provisions of Section 10 of The Legal Aid Act, R.S.O., 1970, C.239.

Yours very truly,

PIERRE GENEST, Q.C.,
Treasurer

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INTRODUCTION

In December, 1983, the Law Society submitted to the Ministry of the Attorney General proposed revisions to the Legal Aid Tariff.

Negotiations between the Law Society and the Ministry took place throughout 1984 and in late 1984 the then Treasurer of the Province of Ontario proposed the appointment of a Fact Finder to determine the amount by which the December, 1984, tariff had fallen behind the level established in 1967. At the same time the tariff was retroactively increased by 5% effective July 1, 1984.

The Fact Finder was appointed on March 27, 1985.

On July 31, 1985, the Fact Finder's Report was submitted to the Treasurer of Ontario, the Attorney General, and the Treasurer of the Law Society.

Excerpts from the Fact Finder's Report are found elsewhere in this Annual Report.

On August 17, 1985, in an address entitled "Legal Aid Statement" made to the National Symposium on Legal Aid in Halifax, the Attorney General, Ian Scott, Q.C., said, among other things:

> "At present, the way the profession contributes to legal aid, at least in Ontario, is by way of a low tariff. That tariff is made low in part because 25 per cent of each lawyer's bill is deducted as a contribution to the cost of the plan. Regrettably, this system means that the lawyers who participate in the plan, who generally tend to be the younger and less affluent members of the profession, shoulder the entire profession's burden."
>
> "I see some real merit in a system whereby this professional contribution would be truly shared by all members of the profession. I see no reason why a levy, akin to the compensation fund levy we have in Ontario, could not be imposed on all members of the profession. In this way, the profession's burden would be shared evenly across all its members."
>
> "A substantial (tariff) increase is clearly merited, and I shall be arguing for it".

On September 6, 1985, in a letter to the profession (which is reproduced in this Report), the Chairman of the Legal Aid Committee, Lee K. Ferrier, Q.C., said, in part:

> "The Ontario Legal Aid Plan is a unique partnership of the public, the government, and the legal profession. It is important that the original principles espoused in the Legal Aid Act be maintained for the protection of the citizens of this Province.
>
> "The Attorney General's public statement has added new dimensions to the issues, but we shall continue to press for an early resolution of the tariff difficulties."

As must be evident to anyone concerned with the future of Legal Aid in Ontario, this partnership is put in jeopardy if one partner - in this case the one which controls the major funding - does not maintain its support in terms of a fair and reasonable tariff of fees to the thousands of lawyers across Ontario who voluntarily choose to make themselves available to represent hundreds of thousands of legally-aided individuals each year.

As the Report of the Fact Finder says:

> "It is the Fact Finder's opinion that the co-operation and partnership that is clearly necessary between the Treasurer of the Province, the Attorney General, the Law Society and the members of the Bar is put into jeopardy if reasoned analysis by the individuals who are delivering the service is simply disregarded time after time. Nothing could be more deleterious to the principles and objectives of Legal Aid."

TARIFF

As outlined in the introduction to this Annual Report, the matter of fees paid to lawyers for services under the Plan has remained a vexing one during the fiscal year.

In late 1984, the then Treasurer of Ontario proposed the appointment of a Fact-Finder to determine the amount by which the tariff, as constituted in December, 1984, had fallen behind the level established in 1967. The Law Society and the then Attorney General agreed with this proposal and the Fact-Finder was appointed in March, 1985. Meanwhile, the Government approved an increase to the tariff of 5% effective July 1, 1984.

At the same time, however, that The Law Society agreed to the appointment of a Fact-Finder, Convocation, at its meeting of November 23, 1984, unanimously passed the following motion:

> "It was moved that it is the view of Convocation that a 5% increase at this time is wholly inadequate and it completely fails to meet the Society's request for a review of the Legal Aid Tariff. The Society welcomes the appointment of a fact finder and will be pleased to assist in that enquiry but draws to the Attorney General's attention the urgency of the problems faced by the Legal Aid Plan."

On July 31, 1985, the Report of the Fact-Finder, Graeme McKechnie, Past Chairman, Department of Economics, York University, was made available.

The following are excerpts from that Report. (A complete copy of the Report is available through the Information Department of The Law Society.)

Excerpts from the Report of the Fact Finder

"The undersigned was appointed by letter dated March 27, 1985, as a Fact Finder to inquire into the tariff for lawyers under the Legal Aid Act in the Province of Ontario. The appointment was made by the Ministry of the Attorney General, the Law Society of Upper Canada and the Treasurer of Ontario. These three parties agreed to terms of reference....

"Briefly, there were three terms of reference originally established, all of which dealt with economic factors....

"The procedures followed by the Fact Finder involved a call for briefs from interested parties, holding hearings to review the briefs submitted, and meeting with groups of attorneys and with individual attorneys....

"The advent of what is now the Legal Aid Act began in 1963 with the appointment of a Joint Committee on Legal Aid established by the Government of Ontario. It is not necessary to review the deliberations of that Committee; however, it is important for the fact finding process to underscore some of the Committee's conclusions. In recommending that the 1951 (entirely voluntary) arrangement be discontinued, and a new plan be established, the Committee stated at pages 110 and 113 of its report:

1. The financing of the plan in all its aspects should be borne by the Provincial Government.
2. The administration of the Plan should be the responsibility of the Law Society of Upper Canada.
3. Lawyers participating in the scheme should receive remuneration on the basis of 75% of a solicitor and client bill, in both civil and criminal proceedings.
4. The principle of freedom of choice of counsel should be maintained in that applicants in both civil and criminal matters should be free to choose among the lawyers appearing on the panels.

"In addition to the above, the Joint Committee also recommended the following in a section entitled "Remuneration For Lawyers," at page 113.

> The guiding principle which should be adopted in respect to remuneration in both civil and criminal cases is fair remuneration for work necessarily and reasonably done.
>
> Lawyers affording legal aid services should be compensated on the basis of 75% of a normal solicitor and client bill....

"As the Joint Committee's report was discussed in the legislature and formulated into a Legal Aid Act with tariffs, some changes took place which, in some ways, have lead to the tariff difficulties within the Legal Aid system now. The original recommendation regarding remuneration is significant. It stated that remuneration should be based on 75% of a "normal solicitor-client bill". This "bill" is the amount charged to a client by a member of the Bar and represents **full indemnity for all fees of the lawyer, reasonably charged.** This bill, if disputed by a client, can be submitted to a Taxing Officer for final ajudication. The language in the Act and Regulations does not contain this concept....

"The central principle which was the basis of the Ontario Legal Aid Plan was freedom of choice. As will be shown below, the failure of the tariff to keep pace with: consumer prices generally, the increases in lawyers' costs, and fee structures in other professional groups has meant that this principle is now endangered. That freedom of choice remains the central principle is not in doubt. As reported in the Annual Report, 1973, Law Society of Upper Canada, this principle was affirmed by the Premier of Ontario in 1968:

> "The objective of Legal Aid in Ontario is to ensure that everyone will enjoy the right to obtain legal advice or be represented by counsel of his choice, regardless of financial ability to pay for counsel."

"In 1977, the Honourable R. Roy McMurtry, Attorney General for Ontario, again affirmed this basic principle....

"It is the opinion of the Fact Finder that the data contained in the briefs presented by the various participants in this fact finding process, and which are summarized in the report, demonstrate without a shadow of a doubt that while the legal profession has continued to remain keenly interested in the welfare of the public, the government has not fulfilled its obligation to keep the remuneration of the Legal Aid system at a level which allows experienced attorneys to participate other than at an extreme disadvantage and cost to themselves. As a result, many attorneys have found it necessary to divorce themselves from the Legal Aid System....

"There is a 25% reduction of the net amount of each lawyer's bill rendered in accordance with the tariff. Since 1967, this 25% reduction - the contribution of the profession - has totalled $103,291,727.00....

"Economic Issues

"At the outset it should be noted that the Legal Aid tariff has not been static since 1967 when it was first introduced. In 1973, the tariff was changed for the first time when the Law Society recommended that the tariff be increased by 25 percent. This recommendation followed upon an analysis of change in the Consumer Price Index (CPI) between 1967 and 1973, a change which totalled 25.1 percent. The Government of Ontario accepted this recommendation and the tariff was increased by the amount recommended. Following upon this increase, a task force under the chairmanship of the Honourable Mr. Justice John H. Osler was appointed to inquire into the entire Legal Aid Plan; however, it was not established to inquire into the **level** of tariff, given the 1973 increase. Nonetheless, Mr. Justice Osler concluded at page 92 of the report:....

> "However, in our view the time has come for us to recognize that Legal Aid is an important right that must be available to those who need it. The existence of a charitable element is inconsistent with the principle of the Plan and compromises the dignity of the recipient. The legal profession of the province has made an enormous financial contribution of some $14,260,000.00 in the first 6½ years of operation of the Plan and it is with some regret, but with no hesitation, that we recommend the termination of this policy. The whole philosophy of the new model and partnership that we are recommending no longer welcomes charity of this nature and we therefore recommend the removal of the 25 percent reduction."

"This recommendation was not acted upon and the 25% reduction from the tariff remained in force....

"In summary then, the history of tariff increases shows the following pattern:

> 1967 - Introduction of tariff
> 1973 - 25% Increase
> 1979 - 20% Increase
> 1982 - 5% Increase
> 1983 - 5% Increase
> 1984 - 5% Increase
> Cumulative tariff increase since 1967 - 73.6%....

"A. Indexing for Inflation

"The simplest and most direct method of comparing the tariff in 1967 with that in 1984 is to adjust the 1967 tariff for inflation. CPI statistics are collected for various regions and Canada-wide....

"Using the period 1974-84, the tariff increase has been 38.9% and compared to the CPI increase for that same ten year period, **140.8%**, demonstrates that in real terms, the value has fallen by 42.3 percent. There is no question therefore that the tariff has not kept pace with CPI increases - except for the 1967 to 1973 period - as mentioned earlier.

"B. Indexing for changes in Labour Income

"A review of labour income changes involves three measures; hourly wages, weekly wages and annual salaries. The conclusion after reviewing the data from 1967 through 1984 and from 1974 through 1984 is that the Legal Aid tariff has not kept pace with **any** measures of growth in income as represented by hourly, weekly or annual salaries.

"When the cumulative percentage changes in real labour income is analysed, the following results are obtained:

	1967-84	1974-84
Hourly Wage Rate	33.9%	6.6%
Weekly Wages	11.4%	-4.4%
Annual Salaries	6.4%	-16.5%

...

"What has to be recognized from the above data, is that even when the tariff changes are taken into account, it has **fallen** in real terms by 51.6% since 1967 or 42.3% since 1974 and, therefore, even though in the 1974-84 period real weekly wages and real annual salaries exhibited some decrease, the tariff exhibited a decrease of monumental proportions in comparison.

"C. Indexing for changes in Lawyers' and Other Professionals' Incomes

"This is a difficult relationship to analyse since the way in which lawyers' and other professionals' incomes are determined vary widely. In the case of doctors, even with extra billings, a measure of income via OHIP records is possible. Lawyers' incomes on the other hand do not come solely from Legal Aid. Comparisons were therefore made in percentage terms from census data.

"Using Census data, for the period 1971-81, lawyers' incomes increased annually by 6.5% as compared to doctors' incomes - 6.3%, dentists' incomes - 9.4%, accountants' incomes - 9.1%, judges' incomes - 8.7%, crown attorneys' incomes - 8.% and police constables' incomes - 12.7%....the figures demonstrate that when lawyers are compared with the other categories, in every case except doctors, where the figures are almost equal, lawyers have not been favoured. If only the groups involved in the administration of justice are compared the annual increase in lawyers' incomes is the lowest of all four groups.

"D. Indexing for Changes in Costs of a Law Practice

"A comparison of these costs presents some difficulties. The Fact Finder was not able, personally, to conduct a detailed investigation into the costs of running a law office within the time frame of this particular fact finding process.... Nonetheless, an investigation of office expenses was done by Altman and Weil Incorporated, **Economic Survey of Canadian Law Firms,** 1982 and by the Legal Aid Sub-Committee, 1983-84. Both studies demonstrate that for sole practitioners, between 1979 and 1984, the average cumulative increase in costs was in excess of the cumulative growth of CPI.... What has been established by these studies is that, in general, expenses represent approximately 50% of average gross receipts. In addition, the range of increase in expenses in a Toronto Law Office was from 67.4% in the 1979-84 period to 81.44% for that same period. The Toronto CPI during the same time frame rose by 57.3 percent. This means that when matched with the percentage increase in the Legal Aid tariff, 15.7% in the same period 1979-84, there can be no doubt that Toronto office expenses outstripped increases in the Legal Aid tariff. It must be remembered that the Legal Aid tariff makes no distinction between expenses and fees and therefore, if expenses represent approximately 50% of gross receipts, the tariff, with its built-in 25% reduction, has been woefully inadequate for a long period of time.

"Lest there be critics of the Toronto Law Office data because of the higher costs associated with a practice in a large urban centre, data were also presented for operating a law practice outside Toronto.... The data provided demonstrated that overhead costs in a small law firm outside the city of Toronto were approximately 70 percent...

"Graphically, the data show the following comparisons:

Percentage Increases By Timer Period in Ontario
(Cumulative increases in parentheses)

Time Period	Tariff	CPI	Overhead
1967-73	25.0% (25.0)	27.5% (27.5)	39.1% (39.1)
1974-79	20.0% (50.0)	67.7% (113.7)	75.7% (144.6)
1980-84	15.7% (73.5)	53.2% (227.4)	63.4% (299.5)

...

"E. Comparison of Changes in Legal Aid Tariff to Other Tariff Changes

"The inadequate change in the Legal Aid tariff is shown even more significantly when it is compared to changes in tariffs for other services, one of which is administered by the Government of Ontario.... The following table sets forth the comparisons and it can be readily noted that the Legal Aid tariff has been increased the least, when compared to ODA rates, OHIP rates, and OMA rates. Not only is the overall cumulative increase in the tariff in stark contrast to the others, but what is most readily noticeable is that, with few exceptions, the other tariffs have been increased every year, whereas Legal Aid has only been increased four times since 1973....

"Conclusion

"There can be no question that growth in the economic indicators, as outlined in the terms of reference and presented here in summary form, has far exceeded the increase in the Legal Aid tariff. The tariffs are behind CPI, wage increases, cost increases, salaries of other professional groups in the administration of justice, and finally, with respect to a government-administered rate - OHIP. This situation, if allowed to continue, will destroy the basic principles on which the Legal Aid plan was founded.

"The Client of Modest Means

"This phrase, which was introduced by the Honourable Mr. Justice G. Arthur Martin, in June, 1967, in an address to the Barristers' Society of New Brunswick, is a most difficult concept to define. Nonetheless, it is the concept which found its way into the language and Regulations of Legal Aid. It is also the expression which was used when the Treasurer wrote to the Attorney General during this fact

COMPARISON OF PERCENTAGE INCREASES IN PROFESSIONAL TARIFFS

Year	Ontario Legal Aid Plan	Ontario Dental Association	Ontario Health Insurance Plan	Ontario Medical Association	Consumer Price Index
1967					
1968		-	-	-	3.8
1969		7.7	11.0	11.0	4.0
1970		-	-	-	2.6
1971		7.1	4.5	4.5	1.6
1972		-	-	-	4.9
1973	25.0	6.7	-	-	7.9
1974		6.3	7.8	7.8	10.5
1975		17.7	4.0	4.0	10.7
1976		10.0	8.1	8.1	7.3
1977		1.8	6.5	6.5	7.7
1978		6.0	6.3	36.3	8.5
1979	20.0	6.0	6.6	6.9	9.3
1980		10.0	11.5	11.9	10.1
1981		7.9	14.8	13.9	12.5
1982	5.0	11.1	11.0	13.0	11.3
1983	5.0	6.5	12.0	7.7	6.1
1984	5.0	5.9	8.2	3.2	4.8
1985		5.6	3.0	4.2	-
Cumulative					
1967-84	73.5	187.9	191.8	249.1	277.4
1967-85		202.2	200.6	263.6	

finding process, but, it is a phrase which has not been defined theoretically or statistically. Nonetheless, it is a concept which must be analysed especially in view of the fact that it forms, or apparently forms, the basis for the Legal Aid tariff. Mr. Justice Martin, spoke about the Legal Aid Programme committee's view of an appropriate tariff as follows:

> "The committee endeavored to arrive at a tariff that would be realistic and fair and yet would not constitute payment on the scale of fees paid by well-to-do clients in respect of important matters, which would not be appropriate to a Legal Aid plan.
>
> I think it might be said that the fees tend to approximate the modest fees that would be charged to a client who could pay but for whom the payment of a larger fee might involve some hardship."....

"The York University Institute for Social Research conducted a survey of lawyers in private practice to determine the fees charged to clients of modest means....

"Two important facts emerge from these data; firstly, it is clear that the client of modest means is charged a considerably higher amount by lawyers than the amount contained in the tariff.... Secondly, the indexation of the 1967 tariff or 1974 tariff by CPI does not result in uniformly higher or uniformly lower fees compared to those charged by lawyers contacted in the survey. The conclusion is that over a period of time, indexation to CPI is a not unrealistic technique of maintaining a reasonable level of tariff in the matter of Legal Aid. This conclusion has an important bearing on future increases in the Legal Aid tariff....

"Impact of the Present Legal Aid Tariff

"Two major areas of impact can be identified; firstly, the impact upon the basic philosophy and objectives of the Legal Aid Plan, and secondly, the impact upon the quality of legal services provided to clients.

"Issue of Philosophy and Objective

"An inadequate tariff affects the philosophy of the entire system. The Honourable Mr. Justice G.A. Martin stated:

> "The basic philosophy of the Legal Aid Plan is that it preserves the normal solicitor and client relationship between a legally assisted person and a lawyer of his choice who has agreed to act." (from address - supra)

"Obviously, a(n) inadequate tariff will not preserve the relationship nor will it allow freedom of choice....

"With respect to the basic philosophy and objectives of the Legal Aid Act, the inadequate tariff has meant that the burden of providing legal counsel to indigent clients has fallen on a decreasing proportion of the legal profession, thereby affecting the clients' freedom of choice. Data provided by the CBAO demonstrated that in 1984, 1,006 new lawyers were admitted to the practice of law in Ontario, 84% of whom joined the active Bar, increasing the numbers by 7.6 per cent. The CBAO also reported

that, despite an increase in the number of lawyers generally, the number of lawyers who participated in Legal Aid decreased by 2.4 per cent. This means that the basic principle of freedom of choice without regard to ability to pay is clearly affected.

"A factor of increasing impact on the decline in participation is the 25% reduction in the tariff which has been a feature of the Legal Aid Act since its inception. The original notion of the 25% reduction had two aspects; firstly, in order to attract lawyers to the Legal Aid Plan on a wide scale, the 25% reduction could be demonstrated as the **"profession's contribution"** to the system and a contribution that would be shared by all law firms in the province who took part in the plan. Such contribution would present a favourable public relations image of participating lawyers to the public, not to mention a **real** financial contribution which has amounted to $103,291,727.00 since the inception of the plan. It is the Fact Finder's opinion that the Government of Ontario has not properly recognized this considerable contribution nor has the public been made aware of its dimension. Further, no evidence was presented of a similar contribution by recipients of the OHIP tariff.

"Secondly, the 25% reduction was a "charitable element" reflecting the actual practise in the 1951-67 period and earlier. It was reported to the Fact Finder that the 25% reduction was never intended to become a "fixture" of the Legal Aid Plan. Discussions with members of the Bar revealed that the 25% reduction was a transitional measure only. Regardless of whether or not the 25% was intended to be a fixture or to be removed, the fact of the matter is that it is still present in 1985. If, as the data indicates, there is a decrease in the proportion of lawyers taking Legal Aid cases, the 25% burden is borne by smaller numbers of the profession and therefore, not only is the principle of free access without regard to the ability to pay affected by the tariff, but in addition, the declining number of lawyers who are accepting Legal Aid cases are financing a much greater proportion of the charitable contribution than ever anticipated....

"The Law Society has attempted to make regulations respecting fees and has presented a number of briefs to the government. It is noteworthy that not all briefs recommend an increase in the tariff. In the 1971 and 1972 annual reports of the Law Society of Upper Canada, recommendations can be found for a reduction in the tariff to reflect, more accurately, costs in certain cases. The Fact Finder could find no evidence that the Law Society or any committee established by the Law Society has made an effort to increase tariffs beyond the level which would accurately reflect the costs being borne by those lawyers who participate in the Plan. It is the Fact Finder's opinion that the co-operation and partnership that is clearly necessary between the Treasurer of the Province, the Attorney General, the Law Society and the members of the Bar is put into jeopardy if reasoned analysis by the individuals who are delivering the service is simply disregarded time after time. Nothing could be more deleterious to the principles and objectives of Legal Aid.

"The inadequate tariff has also lead to a return to "charity" as a feature of the Legal Aid Plan. If the tariff cannot cover the reasonable costs of lawyers' fees and disbursements, then what is formulated is a plan based purely on the charitable donations of the lawyers who take part in Legal Aid. The situation is not confined to large urban centres where costs are very high. It was reported by the County and District Presidents' Association that in areas outside the city of Toronto, many law practices find that although Legal Aid may form a major part of the practice in the early years, the very low fees dictate that, as soon as possible, the lawyers begin taking fewer Legal Aid Certificates with a view to being ultimately independent of Legal Aid cases....

"The impact therefore is very clear, a decreasing number of individuals wish to accept Legal Aid Certificates, not because of the cases per se or because of problems of the Court system or clients, but rather, the economic impact is so great that to accept a large proportion of cases is simply not economically feasible....

"The Issue of Quality

"The issue of quality is best addressed by looking at the experience levels of lawyers participating in the Plan. Although it may be argued that quality of counsel will be affected by an inadequate tariff because more experienced counsel will no longer take Legal Aid cases, that cannot be equated with a lack of competent counsel to handle cases. No evidence has been presented that counsel taking Legal Aid Certificates are less competent than counsel who do not. Evidence is available to demonstrate that less experienced counsel are taking large proportions of Legal Aid cases. An inference may be drawn that with larger proportions of less experienced counsel, clients may not be represented as well as they might otherwise have been; however, there are no statistics that could confirm this....

"The quality aspect can also be addressed by tracing the progression of a law office from inception to a period of time when the sole solicitor or the partners gain more experience. It would appear that in both the criminal and civil areas, the sole practitioner or law office may begin by accepting a fairly large proportion of Legal Aid cases. However, as experience increases, the number of non Legal Aid cases increases and the number of Legal Aid cases taken decreases....

"It is in the area of preparation time that many lawyers find the present structure to be inadequate which exacerbates the economic disadvantage created by the low tariff. Changes in the administration of justice has produced longer trials; for example in the area of drug related offences, the issue of conspiracy has begun to appear with increasing frequency. This requires more input from the legal profession. In addition, with the advent of the Charter of Rights and Family Reform Act the administration of justice has become more complicated. As a result, the time actually spent by a lawyer with a client has increased....

"The Legal Aid tariff sets limits on preparation and provides block fees for certain categories of activities rather than per diem or per hour fees. With

preparation time increasing in many criminal cases and certainly in appeal cases, lawyers often find that their actual time is well beyond that allowed by the Legal Aid tariff structure such that conscientious lawyers are faced with the intolerable choice of either losing money or refusing the Legal Aid Certificate rather than diminish the service that they know they should provide for the client. Therefore, on the question of quality, the client is not faced, in the Fact Finder's opinion, with lawyers who do less work than is necessary to provide an adequate defence and representation for their client; rather, the lawyers will reduce the number of Legal Aid Certificates they accept. This reduces a client's freedom of choice of counsel.

"In conclusion, the impact of an inadequate Legal Aid tariff could be a reduction in the overall quality of the service provided to a client because of the small proportion of available senior counsel, a removal or, at least a reduction in the freedom of choice for clients a founding principle of the Legal Aid system since its inception. The result will be a decrease in the quality of representation afforded to clients within the system.

"RECOMMENDATIONS

"From the foregoing, the Fact Finder makes the following recommendations regarding the Legal Aid tariff.

"1. On September 1, 1985, the 25% reduction which has been a feature of the legislation since its inception should be removed....

"2. A Substantial Increase in the Tariff is Required Immediately

"The inadequacy of the tariff can be seen both in relation to the changes in CPI and by the survey of the fees charged to clients of modest means. The data clearly demonstrate that an immediate and substantial increase in the tariff is needed not only to reflect changes in the CPI but to approach the amounts being charged to clients of modest means....

"The data supplied demonstrate conclusively that the schedule does **not in any way** reflect the fees paid by a client of modest means especially with the 25% reduction. To continue the Plan with the present tariff is both unreasonable and unwarranted and to suggest that the fees should not be raised by a substantial amount ignores the data....

"The Fact Finder recommends that the tariff be increased over a **three year** period. In recommending this, the Fact Finder recognizes that there will be inflationary growth over the three year period; however, with present economic conditions it is not anticipated that a period of high inflation will occur as it did in the decade of the 1970's. Therefore the Fact Finder recommends the following increases in the Legal Aid tariff **based on the assumption that the 25% reduction feature is removed:**

1. January 1, 1986 - 20% increase.
2. January 1, 1987 - 15% increase.
3. January 1, 1988 - 15% increase.
Note: If the 25% reduction is **not** removed, these figures should be adjusted accordingly.

"In the Fact Finder's opinion, the above increase would raise the tariff to slightly less than the fee charged to clients of modest means within a three (3) year period, assuming inflation continues at its present level. This would once again bring the tariff to the level originally intended by the Act and Regulation....

"3. A Regular Review of the Tariff Should be Guaranteed....

"4. Future Disputes Should Be Resolved By Immediate Implementation of Fact Finding and Arbitration."

Graeme H. McKechnie, Fact Finder
Dated at Mississauga, Ontario July 31, 1985.

On August 17, 1985, the Attorney General, Ian Scott, Q.C., spoke at the National Symposium on Legal Aid in Halifax and on September 6, the Chairman of the Legal Aid Committee, Lee K. Ferrier, Q.C. wrote to all members of the profession. Excerpts from Mr. Scott's address are reproduced within Mr. Ferrier's letter which said:

"September 6, 1985

Dear Colleague:

There have been recent developments in Legal Aid that are of critical importance to the public of Ontario and to the members of the legal profession in this province. Accordingly I am writing to every member of the profession, whether engaged in the delivery of legal aid services or not, in an attempt to ensure that all members of the profession appreciate the importance of these developments. While the immediate focus is on the legal aid tariff, broader questions arise which may affect the profession generally, not only in the near future, but for many years to come.

The tariff of fees by which lawyers are paid under legal aid certificates, has been severely inadequate for several years. Despite frequent requests from the profession, the tariff has not been increased in any significant way.

In November 1983, after several months of work by sub-committees of the Ontario Legal Aid Plan, the Law Society proposed to the government that the tariff be increased substantially.

Negotiations continued with the government during 1984, unsuccessfully. In late 1984, the then Treasurer of the Province of

Ontario proposed the appointment of a fact-finder to determine the amount by which the December 1984 tariff had fallen behind the level established in 1967.

The Law Society agreed to this suggestion as did the Attorney General and the fact-finder was appointed in March 1985. He reported on July 31st, 1985. In the interval, the tariff had been increased 5% on July 1st, 1983 (retroactively in 1984) and by 5% on July 1st, 1984.

The profession is no doubt generally aware that the fact-finder has made recommendations for very substantial increases in the legal aid tariff which, when taken cumulatively, amount to a 111% increase by 1988.

He recommended the following increases:

September 1st, 1985
- a 33 1/3% increase (to be accomplished by abolishing the 25% statutory reduction on legal aid accounts);

January 1st, 1986
20% increase across the board;

January 1st, 1987
15% increase across the board;

January 1st, 1988
15% increase across the board;

In his report, he made the following findings:

- the central principle of the Ontario Legal Aid Plan, being free choice of counsel without regard to financial ability, has become "endangered" by reason of tariff inadequacies:
- the government has failed to keep tariff rates at levels required to retain experienced lawyers in the Plan other than at extreme financial disadvantage;
- there is no question that tariff increases have not kept pace with the C.P.I. (tariff - 73.5%; C.P.I. - 277.4%);
- in comparison to labour incomes, the tariff has suffered a "monumental decrease";
- office expenses have "outstripped increases" in the tariff;
- the tariff has been "woefully inadequate for a long period of time";
- the legal aid tariff dropped 40% in real value since 1967;
- if the tariff is allowed to continue to fall behind, the basic principles of the Legal Aid Plan would be "destroyed";
- the difference between what the profession normally charges clients of modest means (the basis of the tariff) and what the current tariff rates are, is "dismaying";
- the government of the province has not properly recognized the contribution of the legal profession in the delivery of legal aid services;
- the declining numbers of lawyers participating in the plan results in a small proportion of lawyers bearing the intended contribution of the entire profession;
- the failure of government to respond to the Law Society's requests for tariff increases over the years "jeopardizes" the plan and is "deleterious" to the objectives of legal aid;
- indigent clients have less access to experienced counsel; in 1971, 37.9% of lawyers doing legal aid work had 10 or more years experience. In 1984 the number had decreased to 24.6%;
- "to continue the plan with the present tariff is both unreasonable and unwarranted and to suggest that the fees should not be raised by a substantial amount ignores the data".

The Government of Ontario has not responded formally to the fact-finder's report. However, Attorney General Ian Scott made an important address in Halifax on August 17th, 1985 at the conclusion of the National Symposium on Legal Aid. He addressed the problem of providing access to justice in a climate of ever-increasing cost pressures and demands for fiscal restraint, describing the issue as one of "great importance, not only to the legal profession, but also to all of society".

In the course of this address, which was entitled a "Legal Aid Statement", the Attorney General said the following:

- "In my view the legal profession as a profession shares some of the obligation to make legal services available to everyone."
- The legal profession has been given a monopoly over the delivery of legal services in order to protect the public interest. This obligation "carries with it the obligation to see that legal services are available to everyone."
- "But I do not think it is wrong as a matter of principle or practice to ask the profession to pay part of the cost as well."
- "At present, the way the profession contributes to legal aid, at least in Ontario, is by way of a low tariff. That tariff is made low in part because 25 per cent of each lawyer's bill is deducted as a contribution to the cost of the plan. Regrettably, this system means that the lawyers who participate in the plan, who generally tend to be the younger and less affluent members of the profession, shoulder the entire profession's burden."
- "I see some real merit in a system whereby this professional contribution would be truly shared by all members of the profession. I see no reason why a levy, akin to the compensation fund levy we have in Ontario, could not be imposed on all members of the profession. In this way, the profession's burden would be shared evenly across all its members."
- "A substantial (tariff) increase is clearly merited, and I shall be arguing for it".
- "My arguments would be strengthened if the profession offered to share the load".
- "My efforts on behalf of legal aid depend upon my being able to satisfy my colleagues that we have a lean and efficient legal aid system. New and innovative ways of providing legal aid will have to be developed."
- "I think that there are a number of lessons which can be learned from the community legal aid clinics."
- "I am open to suggestions that the role of the clinics be increased and enhanced".
- "I think that the fee for service parts of legal aid need to consider more carefully whether they should adopt some of the clinic's style of operations".
- "I am also looking with interest at other legal service programmes being carried on outside the framework of legal aid, to see what we can learn from them ..... for example ..... prepaid legal service plans".

The Attorney General estimates that if there were a levy on the profession, roughly every $25.00 of such a levy would produce a 1% tariff increase.

Since the release of the fact-finder's report, the Treasurer and Chairman of the Legal Aid Committee have met with the Attorney General, the Tariff Sub-Committee of the Legal Aid Committee has met to discuss appropriate courses of action, and it is expected that a meeting with the Treasurer of Ontario will be held in the very near future.

The Ontario Legal Aid Plan is a unique partnership of the public, the government, and the legal profession. It is important that the original principles espoused in the Legal Aid Act be maintained for the protection of the citizens of this Province.

The Attorney General's public statement has added new dimensions to the issues, but we shall continue to press for an early resolution of the tariff difficulties.

Yours very truly

Lee K. Ferrier
Chairman, Legal Aid Committee
Law Society of Upper Canada"

Subsequently, meetings took place between the Treasurer of The Law Society, the Chairman of the Legal Aid Committee, the Under Treasurer of The Law Society and the Attorney General at which the Attorney General provided details of his tariff proposal.

On October 3rd, the Legal Aid Committee met in special session to consider the Attorney General's proposal. The Committee subsequently unanimously approved a motion to Convocation calling for full implementation of the Fact Finder's Report. The motion also called for an exploration of alternate sources of funding legal aid and endorsed the concept "... of some form of continued contribution by the legal profession."

The Legal Aid Committee's motion was discussed at a Special Convocation on October 9th, the results of which were reported by the Treasurer of the Law Society to the Attorney General in a letter to Mr. Scott dated October 15th which said,

"15th October, 1985

The Honourable Ian Scott, Q.C.
Attorney General for Ontario
18th Foor - 18 King Street East
Toronto, Ontario M5C 1C5

Dear Mr. Attorney,

Re: **Legal Aid Tariff**

A Special Convocation was held on the 9th October, 1985, to consider the tariff revision proposal which you put forward to me on the 26th September, 1985.

After a full debate Convocation adopted the following resolution:-

> "The Law Society notes with approval the projected elimination of the 25% contribution and the proposed tariff adjustment. We regret that the Government of Ontario has not seen fit to implement the recommendations of the government appointed fact finder within the times recommended by the fact finder, and we urge the government to implement fully those recommendations.
>
> The Law Society finds unacceptable the Attorney General's proposal that a levy be imposed on the legal profession.
>
> Alternative sources of funding should be explored, but such exploration should not be used as a reason for delaying the recommended increase in the tariff. The Law Society endorses the concept of some form of continued contribution by the legal profession as a whole.
>
> It is resolved that the Treasurer forthwith appoint a Special Committee to consider means by which the legal profession as a whole can make a contribution to legal aid, and without restricting the mandate of the committee, to consider, for example, increasing the income produced by trust monies and the establishment of a Legal Aid Foundation."

I recently advised you that I had introduced your proposal to Convocation at its regular meeting on the 27th September, and that the Benchers had under taken to consider it, as well as seek considered opinions on it. With several other Benchers, I have met with the Legal Aid Committee, the Presidents of the County and District Law Associations as well as the Executive Committee of the Canadian Bar Association - Ontario, and a group of young lawyers who participate in legal aid services.

The Legal Aid Committee while noting with approval the proposed elimination of the 25% reduction, stated its regret that the government has not seen fit to implement fully the recommendations of the fact finder and recommended that alternate sources of funding be explored without delaying the increase in the tariff. The committee endorsed the concept of some form of continued contribution by the legal profession.

The County and District Law Associations and the Canadian Bar Association - Ontario are opposed to any levy of the kind you have proposed, and to the concept of a levy. They point out that the fact finder, who was appointed at the suggestion of the former government, has made a report which is based upon independent and objective research and which recommends the immediate implementation by the government of four increases over three years, namely, the elimination of the 25% reduction of solicitors' legal aid accounts; a 20% increase effective on the 1st January, 1986; a 15% increase effective on the 1st January, 1987, and a further 15% increase

effective on the 1st January, 1988. Your proposal was that the government should eliminate immediately the 25% reduction and provide a 20% increase on the 1st January, 1986, on the condition that each of the 16,800 members of the legal profession make a compulsory personal contribution in the form of a levy of about $470.00 per annum.

The position of Convocation was arrived at after a very full discussion of the many issues raised by the concept of a levy on the legal profession to finance a public service. It was noted that the Joint Committee Report of 1963 which was the basis for the present Legal Aid Plan proposed that the financing of the Plan in all its aspects should be borne by the Provincial Government. It also proposed that the 25% reduction be applied to the solicitor and client bill rather that the prescribed tariff as was adopted by the final legislation.

The fact finder suggests that the 25% reduction was a "charitable element" reflecting the profession's historical contribution to legal services for persons in need. It may be borne in mind that the Law Society and the profession instituted a programme of legal aid in 1951 which was continued until 1967, the financing of which was essentially borne by the profession. The Honourable Mr. Justice Osler in his Task Force report of 1974 recommended the removal of the 25% reduction, and on page 92 of the report he noted that charity is not appropriate in providing a service as essential as legal aid.

This contribution made by participating lawyers through the reduction in the tariff was particularly noted by the fact finder when he stated:-

> "It is (my) opinion that the Government of Ontario has not properly recognized this considerable contribution nor has the public been made aware of its dimension."

The contribution amounts to over $103,000,000 since its inception in 1967.

In addition the Consumer Price Index has risen by 277% over the intervening period while the tariff has risen by 73%. If the tariff had kept pace with salaries and fees in other sectors through that period the true value of this contribution of service is in the order of $500,000,000. Indeed, the fact finder notes that in real terms the tariff has fallen by 51.6% since 1967, which in his words is "a decrease of monumental proportions ..."

The Treasurer of Ontario specifically requested that the fact finder consider the reasonable fee that is charged to a client of modest means, which is the fee to which reference has been made as the basis for the tariff. A survey was completed and is detailed in the report. The fact finder notes that a reasonable fee charged to a client of modest means is considerably more than the present tariff even before the 25% reduction.

The whole of the fact finder's report points to the hazards created for this essential service by the failure of past governments to maintain the tariff at a level sufficient to meet the services required by changing government policies and social needs.

The hazards arise because the inadequate tariff affects both the objectives of the Plan and the quality of services. An increasing number of lawyers are unable to accept legal aid certificates because the economic impact is so great that the service is not economically feasible. With a reducing number of available counsel and the resulting reduction in the freedom of choice of counsel a fundamental principle of the Plan is eroded.

The Law Society of Upper Canada believes that anyone who reads the report must agree with the conclusion of the fact finder at page 21 of his report:

> "Conclusion
>
> There can be no question that growth in the economic indicators, as outlined in the terms of reference and presented here in summary form, has far exceeded the increase in the Legal Aid tariff. The tariffs are behind C.P.I., wage increases, cost increases, salaries of other professional groups in the administration of justice, and finally with respect to a

government-administered rate - O.H.I.P. This situation, if allowed to continue, will destroy the basic principles on which the Legal Aid Plan was founded."

It is abundantly clear that the tariff should be increased as recommended by the fact finder. The Law Society is of the view that it is entirely inappropriate to ask the profession to contribute by way of the levy you have proposed as a condition to the implementation of the fact finder's recommendations.

The Plan and its services have developed over the years so that the present programme with a budget of $76,125,000 far transcends the programme that was first established in 1967. Fifty community legal service clinics have been established in recent years. Over 300,000 people a year have been served through legal aid certificates and duty counsel. The Province is served by a well developed Legal Aid Plan that is considered by many to be one of the finest available in the world. The traditional support of legal aid by the legal profession and its administration by the Law Society have furthered the fundamental principles of freedom of choice of independent counsel and access to justice for all those in need. The Plan is a basic component of the administration of justice in a free and democratic society.

It is important to note that the resolution of Convocation endorses the concept of some form of continued contribution by the legal profession as a whole. Convocation also authorizes me to appoint a Special Committee to consider means by which a contribution may be made.

The single most important need is the public interest. Without an immediate and substantial increase in the tariff the service to the public is at grave risk.

I will be available to meet with you as soon as possible to develop any proposal that will meet the needs of the public we both serve.

Yours very truly,

Pierre Genest,
Treasurer."

On November 22, Convocation considered a letter of reply to the Treasurer from the Attorney General, which said:

"Dear Mr. Treasurer,

Re: Legal Aid Tariff

I have now had an opportunity to consider the implications of the Law Society's rejection of my recent proposal for a substantial increase in the legal aid tariff.

I am of course concerned that the Law Society has rejected my proposal for an increase in the legal aid tariff of nearly 60%, generated by the elimination of the statutory 25% professional contribution paid by lawyers who accept legal aid certificates and its replacement by a smaller contribution paid by the profession as a whole.

The package I had proposed was an integrated offer which would have resulted in the maximum increase that it would be possible to obtain from the government at this time.

Your proposal that the government eliminate the statutory 25% professional contribution, thereby eliminating the only present statutory machinery for professional contribution, without any corresponding or offsetting professional contribution of any kind, causes difficulties. The government would be unlikely to approach the Legislative Assembly with a proposal to abandon the longstanding statutory principle of professional contribution to legal aid, without any corresponding or offsetting professional contribution in the nature of a levy or in some other form.

The lack of balance in such a proposal, the realities of the legislative process, and the resulting potential for serious delay make such a proposal impractical as a method for securing a significant tariff increase within a reasonable length of time.

I look forward to consulting with you as you proceed to develop proposals for alternatives to the statutory contribution now made by the profession to the legal aid plan.

I will of course continue my efforts to secure the best tariff increase possible under the circumstances. In this connection, I must advise you that the government cannot be expected to maintain the projected expenditure increase contained in my offer without the assistance which would come from a simultaneous professional contribution.

However, as an indication of our recognition of the seriousness of the problem, I am prepared to recommend a 20% tariff increase as an interim measure while we continue our discussions. In accordance with past practice, the increase would apply to certificates issued after the effective date, which I propose to be December 1st.

Please let me know at your earliest convenience if the Law Society would be prepared to make a regulation increasing the tariff by 20% effective December 1. If so, I will have my officials forward a draft regulation for your consideration.

I look forward to continuing to work with you on this important matter.

Yours very truly,

Ian Scott
Attorney General"

Convocation, at its meeting of November 22, 1985, agreed to the Attorney General's proposal for a tariff increase of 20% effective December 1, 1985 as an interim measure while discussions continue.

FINANCIAL AND STATISTICAL DATA

Financial and Statistical Data

The total cost of the Plan during the year was $69.9 million.

Provincial

The Province contributed $62,248,000, an increase of $2,703,000 over 1983-84.

Federal

The Federal Government contributes to the cost of the Plan in the area of criminal law through a cost-sharing agreement with the Province. During the year, the contribution will amount to approximately $10 million which is paid to the Provincial Government.

Under the Federal Canada Assistance Plan civil legal aid costs for persons in need are shared on a 50-50 basis.

Interest on Solicitors' Trust Accounts

The Law Society Act provides that the interest which accumulates in Solicitors' Trust Accounts is paid to the The Law Foundation of Ontario and that 75% of the amount received by the Foundation is paid to the Plan. For 1984-85 this amounted to $7,306,356 compared with $5,735,000 in the previous year. (For a breakdown of the Legal Aid Dollar, see Appendix H.)

Liens, Client Contributions and Recoveries

During the year, contributions made by clients to the Legal Aid Fund totalled $3,263,168 compared with $2,957,146 last year. The amount of $1,480,968 ($1,336,830 last year) was received on account of client recoveries in civil matters. (Appendix B).

Included in the foregoing figures is an amount of $1,950,077 realized as a result of taking liens pursuant to Section 18 of The Legal Aid Act.

As of March 31, 1985 there were accounts receivable from clients totalling $7,511,769 and $8,022,169 was receivable by reason of judgments for monetary recoveries and judgment for costs. There were 30,141 liens pursuant to Section 18 of The Legal Aid Act. These liens secure part or all of the cost of legal aid services in individual cases where the legally-aided client was unable to make a cash contribution but had equity in land. The value of such liens is estimated at $23,562,000. The corresponding figures for the previous year were 29,403 liens with an estimated value of $22,546,300.

Lawyers' Contribution re: 25%

The Legal Aid Act calls for a reduction by each lawyer of 25% of the net amount of his or her bill rendered in accordance with a tariff of fees. This is deemed to be the profession's contribution to this social service and since its inception has amounted to $117,024,173. During the year the lawyer's contribution was $13,732,446.

Administrative Costs

Administrative expenses to operate the Plan's 47 Area Offices and the Provincial Office (Appendix B), were $11,175,269 or 16% of the total cost of the Plan, compared with $10,547,903 or 15.1% last year.

The expenses to operate the Provincial Office during the fiscal year were $4,935,276 or 7.1% of the total cost of the Plan, compared to $4,826,000 for the fiscal year 1983-84.

The administrative expenses to operate the 47 Area Offices totalled $6,239,993 or 8.9% of the total cost of the Plan, compared to $5,721,903 in the previous fiscal year.

Average Cost of Criminal Cases

The majority of legal aid criminal cases (34,035) were heard by Provincial Court Judges.

The average cost of a completed criminal case rose from $531 in 1983-84 to $591 in 1984-85.

Average Cost of Civil Cases

In completed civil cases, the average cost in fees and disbursements rose from $542 in 1983-84 to $607 in 1984-85.

Of the completed civil cases, 80% concerned domestic matters. In 1984-85 there were 5,236 uncontested divorce actions completed for payment compared with 6,487 in the previous year and 17,087 cases

were for other domestic matters compared with 18,957 in the previous year. (See Appendix F and Appendix G).

Average Cost of Legal Advice

The average cost of legal advice provided pursuant to a certificate was $72 compared with $63 for the previous year. (See Appendix F).

Legal Accounts Department

During the year the Legal Accounts Department processed for payment 88,253 solicitor's accounts. 40,068 were paid by the Director under Section 101(2) of The Legal Aid Regulation, and 36,573 were settled by the Legal Accounts Officer under Sections 101(1) and (3).

Of the total number 8,643 were interim accounts and 2,969 were supplementary accounts.

At the end of the fiscal year, Standard Form Accounts were being processed within 30 days, and other accounts were being settled within 60 days.

Disbursements

During the year, the Legal Aid Committee approved a report from the Legal Accounts Department recommending that certain disbursements be exempt from the necessity of requiring the Legal Accounts Officer's approval before they are incurred.

Accordingly, effective August 1, 1984, solicitors acting for legally-aided clients were allowed to incur additional disbursements without prior authorization. The changes were brought to the profession's attention through a mailing done in conjunction with a regular mailing of the Legal Aid Letter.

Among the disbursements exempted are medical reports, copies of hospital records, psychiatric assessments, pharmacologists reports and pathologists reports under the conditions outlined in the notice sent to the profession.

The Legal Aid Committee is of the opinion that this change will enable counsel to act more quickly on behalf of the legally-aided client and that it will reduce administrative burdens and costs to the Plan.

Fees Paid to Lawyers

Seventy-seven per cent of the 4,870 lawyers who billed the Plan during the year were paid less than $10,000. The following is a breakdown of the sums paid to lawyers:

Range of Earnings $	Number of Lawyers	% of Total Lawyers Paid
1 - 1,000	1,329	27.3%
1,000 - 5,000	1,671	34.3%
5,000 - 10,000	730	15.0%
10,000 - 20,000	589	12.1%
20,000 - 30,000	241	4.9%
30,000 - 40,000	119	2.4%
40,000 and over	191	4.0%

The following table provides information on the experience of lawyers paid.

Years since call to Bar	% of all Lawyers Paid	% of all Fees Paid
1-3	18.2%	11.8%
4-12	56.3%	61.5%
Over 12	25.5%	26.7%

Audit Procedures

During the fiscal year, the Plan adopted a Standard Form of Solicitor's Account which eliminates much of the previous routine in processing a solicitor's account.

The adoption of the Standard Form followed the approval by the Legal Aid Committee and Convocation of a Mechanization Feasibility Study Report by a Management Consulting firm.

Pre-audit and post-audit procedures were implemented.

When the program was established, it dealt only with accounts for $900 or less.

In his comments to the Financial Statements of the Plan for the year ended March 31, 1984, the Provincial Auditor reported that:

> "Our testing of a sample of solicitors' payments under $900.00 for the period January to March 1984, did not reveal any errors."

As a result, the Legal Aid Committee recommended and Convocation approved a change to the Legal Aid Regulation which would permit expansion of the procedure to all accounts of $1,200 or less. As of the writing of this Report, the amendment to the Regulation is still awaiting approval by the Lieutenant Governor in Council.

Duty Counsel Activity

Applications for Legal Aid Certificates and Certificates Granted

Duty Counsel Activity

Duty Counsel activity across the Province maintained its upward trend throughout the fiscal year with 270,129 individuals receiving summary legal advice and/or representation in Ontario's Provincial Courts (Criminal and Family) compared with 248,725 last year - an increase of 8.6%. (For a detailed comparison of figures for the current and previous years, see Appendix E).

Certificates Issued

Of the 121,837 individuals who applied, 87,531 (or 71.8%) were approved for the issuance of a certificate - similar to last year.

Certificates for criminal cases accounted for 50,131 (57.2%) of the certificates issued and civil matters, mainly matrimonial, accounted for 37,400 (42.8%) of the certificates issued. (See Appendix C). The remaining applications were refused.

ADMINISTRATION

Collections

The Collection Department continued to improve the Plan's recovery on liens and delinquent receivables.

During the fiscal year, the Plan received $4,744,136 from costs and client contributions compared with $4,293,976 in 1984 - an increase of $450,160 or 10%.

Investigation Department

The Plan's Investigator conducted 349 investigations during the fiscal year. Of that number, 128 provided assistance to local Legal Aid Area Directors (most regarding the financial eligibility of applicants for legal aid), 85 investigations were prompted by complaints from lawyers and legally-aided clients, 66 were of a general nature and 70 were carried out on behalf of the Provincial Director's office.

Appeals to the Provincial Director

The Provincial Director is empowered pursuant to the Legal Aid Act to determine ultimate entitlement to legal aid in the following circumstances:

(1) Section 14(4) to determine appeals from the refusal of an Area Committee to issue a certificate in appellate matters etc.;
(2) Section 16(9) to dispose of applications for legal aid by persons not ordinarily resident in Ontario;
(3) Section 16(10) to determine appeals by Area Directors from a decision of an Area Committee granting a certificate; and
(4) Section 16(11) to respond to requests by the Supreme Court of Canada or the Ontario Court of Appeal to appoint counsel for an appellant or respondent in a criminal appeal.

During the fiscal year there has been a decrease in the number of appeals to the Provincial Director from the refusal of an Area Committee to issue a certificate in appellate matters. This follows a very significant increase in the previous fiscal year. During this fiscal year, 270 such appeals were determined, of which 20 were allowed and approximately two-thirds related to criminal matters.

Approximately 1,350 applications were considered pursuant to Section 16(9) - that is by persons "not ordinarily resident in Ontario". A significant percentage of those applications were from residents of other provinces of Canada. The Plan is a party to Reciprocal Agreements with the other provinces and territories concerning the provision of civil legal aid. It is also party to the Federal-Provincial Cost-Sharing Agreement respecting criminal legal aid, the terms of which require that the Plan consider all Canadians as if they were Ontario residents for the purpose of considering their entitlement to legal aid in criminal matters. The number of such other Canadians seeking criminal legal aid are not included in the total of 1,350 previously mentioned. The Plan is continuing to experience an increasing number of applications for legal aid from aliens, particularly in criminal and immigration matters.

In the fiscal year, 13 appeals were considered from Area Directors from a decision of an Area Committee granting a certificate. Of that number, the Area Director was upheld on 6 occasions.

Eligibility Review Test Project

In May, 1984, the Legal Aid Committee considered a proposal from the Ministry of Community and Social Services that the normal financial assessment function conducted by the Ministry in respect of applications for Legal Aid be subject to an eligibility review.

Under the Legal Aid Act (Section 16), and with one exception, "... every application for legal aid shall be referred by the area director to an assessment officer for a report as to whether the applicant can pay no part, some part, or the whole of the cost of the legal aid applied for."

The Ministry proposed an eligibility review test project to be conducted in Sault Ste. Marie and Oshawa. The major objective of the test project is to clarify the recording of information and the types of forms which should be used and also to determine the feasibility of a permanent system of eligibility review in Legal Aid area offices and, if it is determined that such a permanent system is feasible, to make recommendations regarding the methods to be used for such reviews.

The Legal Aid Committee and Convocation approved the test project and a report on its results is expected to be presented to the Committee in late 1985.

Payment Re: Application Form

In 1985, a new Legal Aid Application Form came into use. The form gathers more detailed information on the applicant, the applicant's legal problem and financial circumstances.

In May, 1985, the question of paying lawyers for their time in helping applicants to complete the form was raised at an Area Directors meeting and the Area Directors recommended that lawyers performing this task be paid to a maximum of one-half hour at their appropriate tariff level.

The recommendation was approved by the Legal Aid Committee and by Convocation in recognition that the measure will assist individuals, particularly in rural or remote areas, to obtain more complete access to legal advice and services in a timely manner.

Appointments and Resignations

Chairman of Legal Aid Committee

C. Bruce Noble, Esq., Q.C., retired as Chairman of the Legal Aid Committee in June, 1985. Lee K. Ferrier, Esq., Q.C., was appointed Chairman of the Committee in June, 1985

Appointment of Deputy Legal Accounts Officer

George Biggar, Esq., Solicitor, was appointed Deputy Legal Accounts Officer in December, 1984. Mr. Biggar was called to the Bar in 1972 and engaged in criminal, civil and family litigation in Toronto from that time until his appointment with Legal Aid. During that period, Mr. Biggar was also active with the York County Legal Aid Area Committee, Parkdale Community Legal Services and the Canadian Bar Association - Ontario Task Force on Legal Aid.

Appointment of Area Director - Cochrane District

J. Andre Cousineau, Esq., Q.C., Area Director for the District of Cochrane since the Plan's establishment in 1967, was appointed to the Provincial Court (Family Division) in June, 1985.

In co-operation with the District of Cochrane Law Association, local members of the Bar were invited to apply for the position of Area Director and all applicants were interviewed by senior administrative staff of the Plan.

In September, 1985, the Legal Aid Committee and Convocation approved the appointment of Jo-Anne Barber, Solicitor, Timmins, as Area Director.

Resignation of Deputy Director, Appeals

J. Glyde Hone, Solicitor, tendered her resignation as Deputy Director, Appeals, effective September, 1985. Mrs. Hone was associated with the Plan in a senior capacity since her appointment in January, 1977.

Appointment of Student Legal Aid Representative

Frances Gregory, Osgoode Hall Law School, Student Legal Aid Representative, tendered her resignation in March, 1985 and advised that William D. Black, Faculty of Law, University of Toronto, had been elected by the Association of Student Legal Aid Societies of Ontario to fill the position for a two-year term from 1985-87.

Appointment of Staff Investigator

In July, 1985, Ronald Banks, Esq., was appointed Staff Investigator with the Plan. Mr. Banks, a veteran of 28 years with the Royal Canadian Mounted Police, brings extensive investigative and administrative experience to this additional position in the Investigation Department.

The Mental Health Act

In March, 1984, Section 66 of the Mental Health Act came into force. The Section deals with involuntary admissions or certificates of renewals respecting individuals in psychiatric facilities and with the notices to be provided to local Legal Aid Area Directors and affected patients.

Discussions between the Ministry and the Plan regarding implementation of the Section continued during the fiscal year and, in June, 1985, the Legal Aid Committee approved in principle a proposal under which the Ministry of Health would expand its Patient Advocate Program to include the provision of advice on rights of review and on the availability of legal assistance in relation to certificates of renewals or involuntary committal for patients in provincial psychiatric hospitals.

In relation to persons involuntarily committed to non-government hospitals, the Plan, on receipt of a notice of a certificate of committal or renewal, will ensure that similar advice is provided by Duty Counsel or employees of community legal clinics.

It will be the responsibility of the local Area Director, in each county where there is a non-government psychiatric facility, to co-ordinate Duty Counsel and clinic personnel to provide this service.

The Mentor Program

The Mentor Program, which provides a direct link between junior and senior members of the Bar, maintained an active role in enhancing legal services during the fiscal year. Through the Program, junior lawyers representing legally-aided clients can obtain, without charge to the Plan, guidance from senior counsel regarding ethical and tactical problems.

During the year, the panels of criminal law and family law mentors were expanded to increase the number of mentors practising outside Metropolitan Toronto.

As well, three Mentor-Mentee programs were held during the year to allow for wide-ranging discussions between junior and senior counsel on matters of interest including initial client interviews, initial court appearances, bail hearings, Charter of Rights arguments and sentencing.

Legal Aid Committee Meetings

The Plan is administered by The Law Society of Upper Canada through the Legal Aid Committee and its 14 Sub-Committees.

The Legal Aid Committee met 9 times during the fiscal year to review legal aid policy, receive and consider reports from the numerous meetings of its Sub-Committees and to resolve issues which arose during that period.

All Committee members serve on a volunteer basis and it is evident that the Benchers, non-Bencher members of the legal profession, lay representatives and law student give valuable hours of their time to ensure the proper administration of legal aid for the benefit of the citizens of this Province.

SUB-COMMITTEES OF THE LEGAL AID COMMITTEE

The composition of the Sub-Committees and Standing Committee of The Legal Aid Committee is as follows:

Steering Committee (Standing Committee)

Chairman:
George E. Wallace, Esq., Q.C.

Vice-Chairman:
Robert E. Barnes, Esq., Q.C.

Secretary:
Andrew M. Lawson, Esq., Q.C.

Members:
Ms. C. Jane Arnup, Solicitor
Rino Bragagnolo, Esq., Q.C.
G.H.T. Farquharson, Esq., Q.C.
Lee K. Ferrier, Esq., Q.C.
Paul G. Philp, Esq., Q.C.
Allan M. Rock, Esq., Q.C.
Professor Peter Russell
Mrs. Peggy Smyth

Terms of Reference
To consider policy and planning matters and to make recommendations to The Legal Aid Committee.

Management Committee

Chairman:
C. Bruce Noble, Esq., Q.C.

Vice-Chairman:
Hugh Guthrie, Esq. Q.C.

Secretary:
Andrew M. Lawson, Esq., Q.C.

Members:
Robert E. Barnes, Esq., Q.C.
T.G. Bastedo, Esq., Q.C.
R.J. Carter, Esq., Q.C.
D.W. Jones, Esq.
R.S. Tebbutt, Esq.
George E. Wallace,, Esq., Q.C.

Observer Members:
Glenn Carter, Esq.,
Assistant Deputy Attorney General
Rendail Dick, Esq., Q.C.,
Under-Treasurer, The Law Society of Upper Canada

Terms of Reference
To overview the general administrative procedures of the Plan and to investigate and make recommendations as to the feasibility of computerizing certain procedures of the Ontario Legal Aid Plan.

The Joint Committee

Chairman:
C. Bruce Noble, Esq., Q.C.

Vice-Chairman:
Hugh Guthrie, Esq., Q.C.

Secretary:
Andrew M. Lawson, Esq., Q.C.

Members:
Glenn Carter, Esq.
J. Douglas Ewart, Esq., Solicitor

Terms of Reference
To investigate and bring forward to the Legal Aid Committee for approval recommendations for improving the existing Legal Aid Plan.

Sub Committee Re:
Amendments to Regulation and Forms

Chairman:
Robert E. Barnes, Esq., Q.C.

Vice-Chairman:
J. Douglas Ewart, Esq., Solicitor

Secretary:
Andrew M. Lawson, Esq., Q.C.

Members:
Lee K. Ferrier, Esq., Q.C.
Robert L. Holden, Esq.,
Deputy Director, Legal
J.S. Lyons, Esq., Q.C.
D. Revell, Esq., Legislative Counsel

Terms of Reference
To review the Legal Aid Regulation and Forms and to make recommendations to The Legal Aid Committee.

Sub-Committee Re:
Duty Counsel Representation

Chairman:
R.J. Carter, Esq., Q.C.

Vice-Chairman:
T.G. Bastedo, Esq., Q.C.

Secretary:
Robert L. Holden, Esq.,
Deputy Director, Legal

Members:
David Clancy, Esq., Solicitor
G.H.T. Farquharson, Esq., Q.C.
Alexander Harry, Esq., Q.C.
Dr. R.L. Lamb
J. Murray Neilson, Esq., Q.C.
John Zado, Esq., Solicitor

Terms of Reference
To study not only the cost reduction aspect of Duty Counsel in large centres of the Province but also to study the quality of Duty Counsel representation being provided throughout the Province.

Sub-Committee Re:
Judges Complaints

Chairman:
Robert J. Carter, Esq., Q.C.

Vice-Chairman:
Dr. R.L. Lamb

Secretary:
Mrs. J. Glyde Hone,
Deputy Director, Appeals

Members:
Lee K. Ferrier, Esq., Q.C.
Clayton C. Ruby, Esq., Solicitor

Terms of Reference
To consider all complaints from judges concerning a solicitor's conduct while representing a legally-aided client.

Sub-Committee Re:
Disclosure of Information

Chairman:
Rino Bragagnolo, Esq., Q.C.

Secretary:
Andrew M. Lawson, Esq., Q.C.

Members:
Steven Sharpe, Esq., Solicitor
Harvey Strosberg, Esq., Q.C.

Terms of Reference
To review proposed legislation at both the Federal and Provincial levels dealing with public access to information and to investigate the possible impact on the Legal Aid Plan.

Area Directors' Liaison Committee

Chairman:
George E. Wallace, Esq., Q.C.

Vice-Chairman:
Thomas G. Bastedo, Esq., Q.C.

Secretary:
Andrew M. Lawson, Esq., Q.C.

Members:
R.J. Carter, Esq., Q.C.
D.W. Jones, Esq.
G. Marsden, Esq., Q.C.
J. Palter, Esq., Solicitor
Robert C. Topp, Esq., Q.C.
Mrs. Mary Weaver, Q.C.

Terms of Reference
To study the existing administration of the Plan through area offices and make recommendations thereto.
To authorize and instruct the six regional Chairmen to hold regular meetings to discuss the operation of the Plan and the delivery of legal aid as adminstered by the Legal Aid Area Directors in each region and to make recommendations resulting therefrom.
To receive reports on a limited number of spot checks made by the Provincial Office staff on the operation of the Area Legal Aid

Offices to determine the efficiency of the administration of the Plan through local Area Offices.
The Area Directors' Liaison Committee to be an ongoing liaison committee with Area Directors.

Sub-Committee Re: Group Applications

Chairman:
Jeffrey S. Lyons, Esq., Q.C.
Secretary:
Mrs. J. Glyde Hone,
Deputy Director, Appeals

Members:
Ms. C. Jane Arnup, Solicitor
G.H.T. Farquharson, Esq., Q.C.
Ms. Frances P. Kiteley, Solicitor
Clayton C. Ruby, Esq., Solicitor
Professor Peter Russell

Terms of Reference
To look into the granting of legal aid in areas which may generally be defined as class actions, group actions or test cases.

Sub-Committee Re: The Young Offenders Act

Chairman:
Professor Peter Russell

Vice-Chairman:
Allan Rock, Esq., Q.C.

Secretary:
Robert L. Holden, Esq.,
Deputy Director, Legal

Members:
S. Avruskin, Esq., Solicitor
Rino Bragagnolo, Esq., Q.C.
R.J. Carter, Esq., Q.C.
G. Johnson, Esq., Solicitor
Robert McGee, Esq., Q.C.
Robert C. Topp, Esq., Q.C.

Terms of Reference
To make recommendations to The Legal Aid Committee arising out of the implementation of the Young Offenders Act.

Committee Report

Federal legislation affecting young offenders came into effect across Canada in two stages - April 1, 1984 and April 1, 1985. Under the Young Offenders Act, Section11, young persons (17 and under) have the right to retain and instruct counsel. When a young person wishes to retain counsel but is unable to do so, the Youth Court is required to refer the young person to Legal Aid. If the young person is unable to obtain counsel through Legal Aid, the Attorney General may be required by the Court to appoint counsel for the youth.

In February, 1984, this Sub-Committee was established to study the legislation and its impact on Legal Aid and, subsequently, an agreement was entered into between the Law Society and the Ministry of The Attorney General under which the Law Society undertook to grant legal aid certificates when the Attorney General had been directed by the Court to appoint counsel. That trial agreement ended on February 28, 1985.

During the trial period, the Sub-Committee noted that Duty Counsel is present in all Youth Courts. In addition, the Law Society's Lawyer Referral Service program co-operated with the Plan in establishing a program through which alleged young offenders can contact a lawyer outside of normal business hours to obtain immediate legal advice. About 800 lawyers have made themselves available under this program and lists of such lawyers are available through all police departments in Ontario.

At the Court level, the Sub-Committee recognized the importance of gathering statistical data regarding the additional cost to the Plan resulting from the agreement between the Law Society and the Ministry of the Attorney General to grant certificates pursuant to Section 11 of the Young Offenders Act.

Accordingly, all area offices gathered appropriate statistics and these were analyzed by the Sub-Committee. Taking into account direct certificate costs and estimated additional Duty Counsel and administrative costs, the Sub-Committee concluded that the Plan's additional annual costs as a result of the Young Offenders Act will be about $750,000.

In February, 1985, the Sub-Committee recommended to the Legal Aid Committee:

1. That the Law Society enter into an

Agreement with the Ministry of the Attorney General in order to maintain the delivery system presently in place. The Agreement should confirm that the added costs resulting from the implementation of the Young Offenders Act should not result in reductions to other parts of the Legal Aid budget.

2. That the Provincial Office continue to maintain the detailed statistics in order to monitor trends and isolate the additional costs caused by the Young Offenders Act.
3. That the Children's Aid Society wards and Crown wards be granted certificates in the first instance. All wards are now receiving certificates; however, the two-stage process is an unnecessary inconvenience to the courts. Records should be kept of the cost of the certificates and attempts should be made to recover the costs from the Ministry of Community and Social Services.

The Legal Aid Committee and Convocation approved the Sub-Committee's recommendations.

Sub-Committee To Review Services to the Handicapped

Chairperson:
Mrs. Kathleen Fleming
Secretary:
John Beaufoy, Esq.

Members:
P.G. Philp, Esq., Q.C.
Mrs. Reginae Tait

Observer Members:
David Baker, Esq., Solicitor
Ross Irwin, Esq., Solicitor

Terms of Reference
To review legal aid services to the handicapped.

Committee Report

The Sub-Committee met several times during the fiscal year to consider the 100 recommendations of a Report by Judge Rosalie S. Abella, entitled "Access to Legal Services by the Disabled."

Specifically, the Sub-Committee's mandate is to review any of the Report's recommendations which impinge on the Plan and to make recommendations to the Legal Aid Committee.

In May, 1985, the Sub-Committee concluded its meetings. A draft report is to be prepared during the summer for review and submission to the Legal Aid Committee.

COMM
HANDICAP
ENTRANCE
ONLY

Sub-Committee Re:
Public Information

Chairman:
Rino Bragagnolo, Esq., Q.C.

Vice-Chairman:
Cyril Hurly, Esq.

Secretary:
John Beaufoy, Esq.

Members:
G.H. Gilchrist, Esq.
Ms. Frances Gregory
Mrs. Ruth Jarmain
Ms. Frances P. Kiteley, Solicitor
J.S. Lyons, Esq., Q.C.
Xavier Michon, Esq.
Mrs. Reginae Tait

Terms of Reference
To liaise with the Public Information Officer and guide the development of the public information program.

Committee Report
During the 1984-85 fiscal year, the Law Society of Upper Canada's Information Department continued to publicize the Ontario Legal Aid Plan through:

- Distribution of The Legal Aid Letter and NewsUpdate (usually 6-8 times a year), which carries news about the Plan to about 22,000 readers including all lawyers in Ontario, all media, judges, correctional institutions and individuals and agencies involved with the delivery of legal and social services in Ontario. Included are all Ontario MPPs and Ontario-based MPs and Senators.
- Distribution of a pamphlet entitled, "Legal Aid". About 200,000 pamphlets were distributed during the fiscal year through mailings to individuals and bulk distribution through supermarkets, libraries, legal aid offices and clinics, lawyers' offices, government offices, social service agencies, high schools, etc. The pamphlet is available at no charge in English, French, Cree and Ojibway. It is currently being translated into Spanish, Portuguese and Italian.
- Distribution of a series of pamphlets produced by Community Legal Education Ontario, a Legal Aid community legal clinic, on a wide variety of legal topics including welfare, divorce, debts, patient's rights and unemployment rights. These, together with the Information Department's pamphlets and programs (Dial-A-Law, Lawyer Referral Service) continued to help the public gain more knowledge of its legal rights and obligations.
- Participation, in co-operation with The Law Society, in home shows/exhibitions in Hamilton, London, Ottawa, Sudbury and Toronto. Pamphlets were distributed to thousands of individuals, many of whom sought and obtained summary legal advice from volunteer lawyers manning The Law Society/Legal Aid booth.
- Media "feature" interviews (radio, television, cable, newspapers, magazines) outlining the role of the Plan and, especially in the last year, pointing out the pressures on the Plan caused by continued high demand for services due to the economy, new legislation and the lack of an adequate tariff of fees.
- Publication and circulation of the Plan's Annual Report (which is also sent to all media in Ontario) to make individuals, groups, etc. aware of the Plan's activities.

During the fiscal year, the Information Department revised its lists of lawyers across Ontario who are willing to advise alleged young offenders outside of normal business hours. In this way, costs to the Plan are reduced and alleged young offenders are afforded the opportunity to consult counsel under the provisions of the Young Offender Legislation which came into effect in two stages - April 1, 1984 and April 1, 1985.

As a result of concerns expressed by many members of the Bar, the Legal Aid Committee authorized the Information Department to develop and conduct a public awareness campaign to better inform Ontario citizens of the crucial role played

WHEN THE RELATIONSHIP'S NOT SO ROSY

Couples have conflicts every year. Most don't wind up in Court, but thousands do. When conflict happens, it's important that both sides to the dispute have equal access to legal advice and representation, to explain and protect their legal rights and obligations.

Like the scales of justice, access to the law must be balanced. That's where Legal Aid comes in. For qualifying individuals, Ontario Legal Aid makes sure the balance exists.

Last year, over 20,000 family law cases were financed in whole or in part by Ontario Legal Aid, including divorce, custody, and support.

With funding from the Provincial and Federal Governments — and from the more than 5,000 participating lawyers — your rights are protected, legal obligations explained and conflicts resolved under the rule of law.

LEGAL AID — IT WORKS, IT SAVES, IT HELPS.

Ontario Legal Aid is administered for the Province of Ontario by The Law Society of Upper Canada

JAILED FOR A CRIME HE DIDN'T COMMIT

Sometimes innocent people end up behind bars . . . serving time for a crime they didn't commit. It happened to one young man in Ontario recently. A strand of hair resembling his was found at the murder scene. He said he was innocent, but the jury found him guilty. That might have been the end of his freedom for years, but with the assistance of Ontario Legal Aid, he appealed the conviction. A more scientific hair analysis proved the hair wasn't his and he was freed. His case was unusual, but not unique.

With the vast powers and resources of the police and prosecutors, the individual often needs help in gaining legal equality. That's when Legal Aid is there to help qualifying individuals obtain equal access to the law.

With funding from the Provincial and Federal Governments — and from the more than 5,000 participating lawyers — your rights are protected, legal obligations explained and conflicts between the individual and the state resolved under the rule of law.

LEGAL AID — IT WORKS, IT SAVES, IT HELPS.

Ontario Legal Aid is administered for the Province of Ontario by The Law Society of Upper Canada

by Legal Aid in the Province's justice system. Subsequently, the Legal Aid Committee approved a series of six newspaper features which focused on family law, criminal law, administrative law, community legal clinics as well as the Plan's unique Research Facility.

These features were placed in most daily newspapers in Ontario in late 1984. The papers reached a potential audience of 1,000,000 per week for each of the six features. They appear to have been well-received by the public and the profession. In addition, kits were distributed to all MPPs and Ontario-based MPs enclosing copies of the features as well as a letter from the Treasurer and Chairman pointing out the benefits derived by the Members' constituents from the existence of a strong Ontario Legal Aid Plan. Many Members responded positively to the information provided to them.

In late May, 1985, a tornado devastated sections of Ontario and in response the Plan established an emergency program to provide summary legal advice to affected individuals. Newspaper ads were placed in appropriate media and the Plan received positive media comment for its initiative. This program, although on a smaller scale, was similar to the Plan's action following the Mississauga train derailment and evacuation in November, 1979.

Sub-Committee Re: Mediation and Assessments

Chairperson:
Ms. Frances P. Kiteley, Solicitor

Members:
Craig Perkins, Esq.,
Ministry of the Attorney General
Dr. Barbara Landau, Ph.D., LL.M.

Terms of Reference

To provide a cost-benefit analysis of mediation in order to determine the long-term savings if mediation is funded.
To recommend an hourly rate and average hours per case for which mediators should be paid.
To recommend credentials required in order to qualify as a mediator.
To recommend hourly rate and average hours per case for which assessors should be paid.
To recommend credentials required in order to qualify as an assessor.

Committee Report

During the 1983-84 fiscal year, the Legal Aid Committee appointed this Sub-Committee to make recommendations regarding payment for services of mediators and assessors in matrimonial cases where custody or access are in dispute. The Sub-Committee was established as a result of the proclamation of the Children's Law Reform Act.

The Sub-Committee subsequently designed a research project ("The Family Mediation Project") to determine the cost and social effectiveness of mediation. The funding of the project was obtained from the Federal Department of Justice, The Law Foundation of Ontario, the Ontario Ministry of the Attorney General and the Ontario Legal Aid Plan.

Originally, it was estimated that the project would take two years to complete.

In June, 1985, the Sub-Committee made an interim report on its progress. The Sub-Committee noted that it had drafted, revised and finalized the questionnaires to be used during the legal aid intake process; devised the criteria for mediators and selected the mediators, and prepared intake methodology and met with the appropriate York County legal aid staff and Legal Acounts Department staff.

The Sub-Committee reported that it became apparent that the original two-year term for the project was inadequate and that the project would have to be extended to allow sufficient time to select the subjects (200 mediation; 150 litigation) and monitor the results.

As a result, the Sub-Committee recommended an extension of the project to three years at an additional cost of $65,628, to be shared among the original major funders. The additonal cost to the Plan over three years will be $21,920.

The Sub-Committee's recommendation was approved by the Legal Aid Committee and Convocation.

Mediation By Legal Aid Staff Lawyers

For a number of years, the York County Area Office has maintained a program for mediating cases where both parties, particularly in domestic matters, are legally aided.

Originally instituted by the late Frank Turville, Q.C., the meetings are now conducted by Jay Waterman, Civil Unit Lawyer, or by the Area Director, Russell J. Otter, Q.C.

Where appropriate, the parties and their solicitors may be required to attend a mediation meeting at the Area Office. When agreement is reached, Minutes of Settlement are drawn immediately and signed by the parties.

In such cases, the settlement saves the Plan the cost of funding both sides in a contested matter. Even when full settlement is not reached, the scope of the trial and the issues to be litigated may be narrowed substantially, thus reducing the cost to the Plan of completing the matter.

Mediation is available at any stage of the proceedings and is often requested by solicitors who have become familiar with the process. In appropriate cases, the Official Guardian, representing the children, will participate. Requests for mediation are made from time to time by solicitors whose clients are not legally aided but the opposite party is on a legal aid certificate.

By a rough estimate, between 75% and 80% of cases are finally settled at a mediation meeting which takes between two and three hours.

Sub-Committee Re: Research Facility

Chairman:
R.S. Tebbutt, Esq.

Vice-Chairman:
Ms. Frances P. Kiteley, Solicitor

Secretary:
Robert L. Holden, Esq.,
Deputy Director, Legal

Members
Cyril Hurly, Esq.
Robin A. Macrae, Esq.
Robert C. Topp, Esq., Q.C.

Terms of Reference
To study the future of the Research Facility.

Committee Report

The Research Facility is a centralized legal research unit. It prepares tailor-made research for lawyers throughout Ontario for their Legal Aid files. Since its inception, the Facility has received numerous compliments on its outstanding quality and efficiency and, since it began making sales of its research material to lawyers in private practice both in Ontario and across Canada, it is recouping some of the taxpayer funds which are spent on the Facility.

In one instance, a lawyer wrote to a colleague about the Facility and said,

> "I thought I would eat a little crow and write to you concerning the Criminal Law Memoranda we are receiving from the Ontario Legal Aid Plan Research Facility. You may recall that I was one of the early dissenters when you were seeking to introduce the Memoranda. However, after looking at some of the Memoranda, I have to say they are excellent. In particular, I have had occasion to use the memoranda on obstruction and found that it saved me at least 2 hours of research time. The other lawyers in this office are also impressed with the

material. It is looking like the Commission's money has been well invested."

The Research Facility has over 350 standard memoranda of law in its sales catalogue which is advertised regularly across Canada in lawyers' journals. They are a spin-off from a much larger electronic database, because the Research Facility has been providing custom-made, individualized memoranda of law for Legal Aid cases for six years. It is the opinion of the Director of Research, Ken Chasse, that the centralized legal research technology developed within the Research Facility will be used to create a centralized legal research industry in Canada. Many of the bigger law firms are creating central research units in order to apply computer technology to legal research and to develop research specialists. In January, the Research Facility entered into an agreement with the Saskatchewan Legal Aid Commission for an annual subscription for all of the criminal law memoranda in its catalogue.

In the fiscal year ending March 31, 1985, the Research Facility completed 2,240 separate legal research files. This represents an increase in productivity of 58% since 1982. In the same three year period, 1982 to 1985, the Research Facility's cost per file has dropped 28% (in actual dollar costs without compensation for inflation).

This increase in productivity is due to the unique technology of centralized legal research which has been developed by the Director of Research and his staff. The increase in productivity has allowed the Research Facility to do a greater volume of civil research, mainly family law. The resulting increase in the Research Facility's database progressively reduces the cost per file and has allowed the Research Facility to add more memoranda to its catalogue of standard memoranda which it sells to lawyers across Canada.

These standard memoranda were created to allow a greater number of research requests arising from Legal Aid files to be completed each year. They have had a dramatic effect upon the Research Facility's productivity and advertising the Research Facility's catalogue has caused a dramatic increase in the number of Legal Aid research files, thus inducing more lawyers to choose to have the Research Facility do their research rather than charging the Ontario Legal Aid Plan for doing the research themselves. Therefore, the Research Facility's services provided to Legal Aid files, and its commercial catalogue sales, are mutually complementary operations, each rendering the other more cost efficient.

Clinic Funding Committee

(Not a Sub-Committee of
The Legal Aid Committee)

Chairman:
Hugh Guthrie, Esq., Q.C.

Vice-Chairman:
Thomas G. Bastedo, Esq., Q.C.

Members:
Glenn Carter, Esq.
J. Douglas Ewart, Esq., Solicitor
Berta Zaccardi, Solicitor

Terms of Reference
To make all policy directives in relation to clinic funding.

Independent Community Legal Clinics Committee Report

The role of independent community legal clinics within the Ontario Legal Aid Plan continued to develop during the last fiscal year.

The Clinic Funding Committee has responsibility under the Regulation proclaimed in force in June, 1979 for the administration and policy affecting community clinics. In accordance with the Regulation, and the clinic certificate signed on behalf of the Plan and by each clinic, community clinics are also administered by Boards of Directors elected by, and representative of, the communities served by the clinics. The Boards must establish financial eligibility guidelines and case priorities for the work of the clinic, and are financially accountable to the Clinic Funding Committee. The members of clinic Boards of Directors have continued in 1984/85 to provide many hours of volunteer time to clinic work, thereby contributing much to the

Community Legal Services
Of Niagara South

successful operation of the community legal clinics.

The funds allocated for clinic funding increased from $8.3 million in 1983/84 to $9.8 million in 1984/85.

Since 1976 when 13 existing clinics were first funded by the Ontario Legal Aid Plan, the number of clinics has increased to 47 across the entire province. In 1984/85, the Clinic Funding Committee approved funds to establish three new clinics. The new clinics funded were: Stormont, Dundas and Glengarry Community Legal Clinic, in Cornwall; Renfrew County Legal Services, in Renfrew; and Durham Legal Clinic, in Oshawa.

The Committee also approved the allocation of 10 additional staff positions to existing clinics to assist them in better serving their communities.

Clinic legal services continue to be provided by both lawyers and community legal workers. A number of clinics provide a wide range of general legal assistance and representation in such administrative law areas as workers' compensation, unemployment insurance, welfare, pensions, immigration, and employment rights; clinics also assist with landlord/tenant disputes, debtor/creditor problems and family matters, such as juvenile and child welfare problems. The Clinic Funding Committee has also continued funding some clinics which offer specialized legal services, including such matters as parole and sentencing (Queen's Correctional Law Project), environmental law (the Canadian Environmental Law Association), law for the handicapped (the Advocacy Resource Centre for the Handicapped), children's law (Justice for Children), seniors' law (Advocacy Centre for the Elderly), workers' compensation (Injured Workers' Consultants and Industrial Accident Victims Group of Ontario), landlord/tenant problems (Metro Tenants Legal Services, Landlord's Self Help Centre, and Tenant Hotline), and public legal education (Community Legal Education Ontario). As well, a number of clinics provide services to special communities, including the Spanish-speaking community in Toronto, and native communities in Kenora, Sioux Lookout, Thunder Bay District, and Moosonee-/Moose Factory and the James Bay coast.

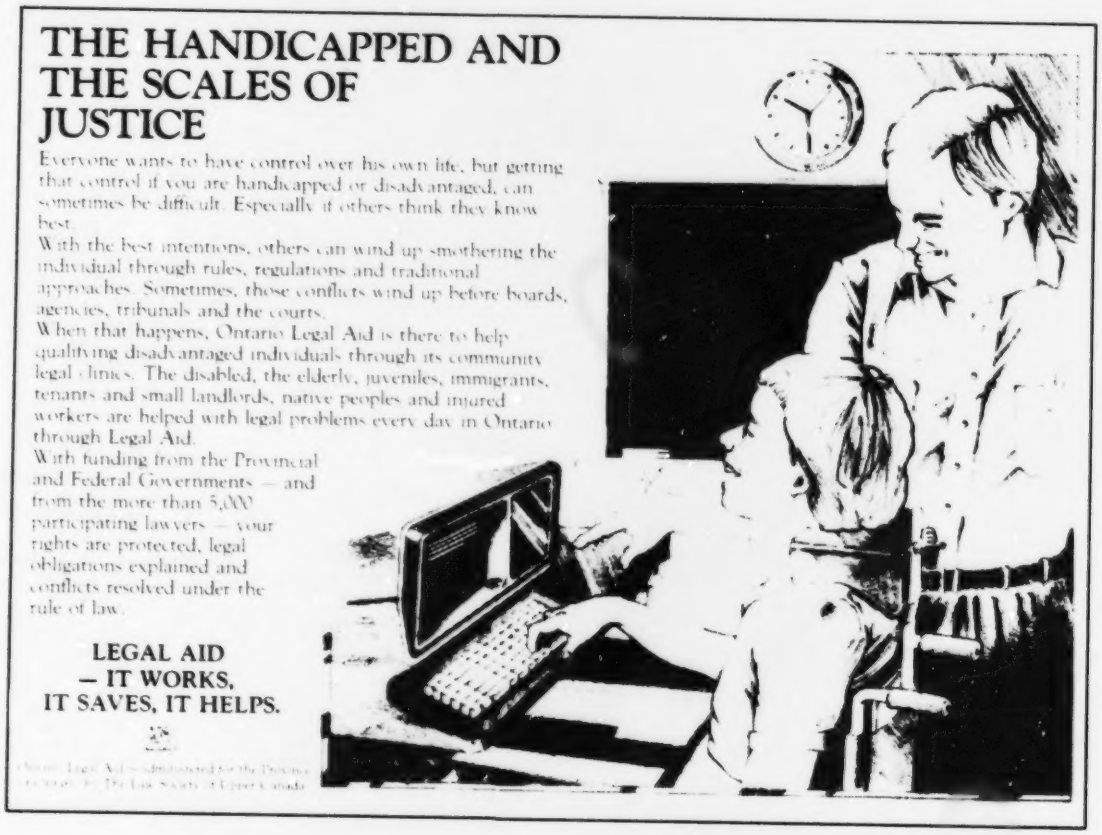
In addition to case related services, clinics have continued in 1984/85 to fulfill their special mandate under the Regulation "to encourage access" to legal services and to provide services "designed to promote the legal welfare" of their communities. Many clinics initiated community legal education and preventive law activities during the fiscal year, assisted with significant law reform proposals, and engaged in widespread efforts to create better access to law. The Committee also allocated special funds to 12 clinics for particular legal education and outreach projects, many designed to improve the access to legal services of the disabled.

Community Legal Clinics 1984 Statistics

Files opened	24,221	
Summary advice	80,155	
Referrals:		
To Legal Aid Plan	7,418	
To private Bar	8,197	15,615
To agencies	3,353	
To other	14,666	18,019
		33,634
Public Legal Education Sessions	1,098	
Legal Education Publications	287	
Briefs/submissions to public bodies	299	

Members of the Committee continued to serve in 1984/85: Hugh Guthrie, Q.C., Bencher, Chairman; Thomas Bastedo, Q.C., Bencher, Vice-Chairman; Berta Zaccardi, Solicitor; Douglas Ewart and Glenn Carter, Ministry of the Attorney General.

The Clinic Funding Committee continued to provide funds in 1984/85 to assist clinic staff in maintaining high-quality legal services. Funds were provided to the Southwest Regional Association of Clinics for regular staff training sessions throughout the year. The Canadian Environmental Law Association was funded to provide a workshop for clinic staff on environmental law. Clinic lawyers attended the Law Society's training program on the New Rules of Practice. A workshop for clinic staff on



domestic violence, sponsored by Rexdale Community Information and Legal Services, was also funded by the Committee.

The Committee provided funds to Simcoe Legal Services Clinic to hold four regional seminars on the role of legal clinics in community development. Five clinic lawyers were also funded to attend the Intensive Trial Advocacy Workshop sponsored by Osgoode Hall Law School at York University.

The Clinic Funding Committee acted on a number of recommendations contained in Her Honour Judge Abella's Report on Access to Legal Services by the Disabled. The Committee adopted a policy ensuring that community legal clinics will be located in premises accessible to the handicapped. Funds were allocated for the construction of wheelchair ramps in nine clinics, and seven clinics moved during the year to accessible premises. The Committee approved funding for a significant expansion of the Advocacy Resource Centre for the Handicapped to increase that clinic's capacity to provide training and expert assistance to other clinics, the Ontario Legal Aid Plan, and the private Bar, as well as increase its direct services to clients. The Committee also revised its criteria for the allocation of additional resources to ensure that the needs of the disabled are accorded an appropriate priority. The Committee will continue to consult with clinics and the fee-for-service component of the Plan to improve services to the disabled community.

The Clinic Funding Regulation recognizes the complementary aspects of clinic services in relation to the traditional fee-for-service program of the Ontario Legal Aid Plan. The two branches of the Plan continue to work together to try to ensure that necessary legal services are readily available to low-income citizens of the province.

Student Legal Aid Societies

During the fiscal year, the Plan continued to finance six University-based legal aid societies which make use of law students under faculty supervision. The societies continued to help both students and members of the public with a variety of legal problems. Together with the Plan's community-based legal clinics, the societies are an integral part of the Plan's delivery of legal services throughout Ontario. Several societies maintain a public legal education component within their service which informs individuals of their legal rights and obligations.

The Student Legal Aid Societies are located at the following Universities:

(a) University of Windsor
(b) University of Western Ontario
(c) University of Toronto
(d) York University - Osgoode Hall
(e) Queen's University
(f) University of Ottawa

During the past few fiscal years, the level of funding from the Plan to the societies has risen from $374,898 in 1981-82 to $576,000 in 1984-85.

For the 1985-86 fiscal year, the Plan approved a budget increase of 3.5% to allow for inflation as well as a special grant of $8,821 to the University of Windsor to enable it to continue its Walpole Island Clinic and Tenant's Project.

During 1984-85, the societies reported the opening of 6,746 client files and the provision of summary advice to 7,300 individuals for a total of 14,046 contacts and an average cost of $41 per individual helped.

To ensure the availability of necessary legal services during the summer months, the societies employed 86 law students from between 13 and 17 weeks in 1985.

Area Committees

As noted elsewhere in this Report, the Plan depends on the voluntary contribution of time and effort by the men and women - both lawyers and lay individuals - who serve on Legal Aid Committees.

The Plan's day-to-day operations depend on the more than 500 individuals from across Ontario who serve as members of the Plan's 47 local Area Committees. These men and women give of their time on a voluntary basis and are drawn not only from the legal profession but from other walks of life in their communities.

Members of the Area Committees make critical judgments affecting the delivery of legal aid services in individual cases by considering appeals from refusals of Area Directors to grant legal aid and by making recommendations to local Area Directors on applications involving such matters as appeals to the Supreme Court of Canada, the Court of Appeal for Ontario and other appeal tribunals.

In the last fiscal year, the Area Committee members considered thousands of such cases and voluntarily contributed hundreds of thousands of dollars worth of man hours to the Plan and, through it, to the citizens of Ontario.

Appendix I provides details of some cases considered by the Area Committees and Appendix M lists the members of all Area Committees.

THE LAW SOCIETY OF UPPER CANADA LEGAL AID COMMITTEE
(April 1, 1984 - March 31, 1985)

Chairman:
C. Bruce Noble, Q.C., Sault Ste. Marie

Vice-Chairman:
Thomas G. Bastedo, Q.C., Toronto

Vice-Chairman:
Hugh Guthrie, Q.C. Guelph

Benchers:
Rino Bragagnolo, Q.C., Timmins
Robert J. Carter, Q.C., Toronto
G.H.T. Farquharson, Q.C., Peterborough
Lee K. Ferrier, Q.C., Toronto
Jeffery S. Lyons, Q.C., Toronto
Paul G. Philp, Q.C., Hamilton
Clayton C. Ruby, Solicitor, Toronto
Mrs. Mary Weaver, Q.C., Sudbury
Allan M. Rock, Q.C., Toronto

Lay Benchers:
Mrs. Reginae M. Tait, Toronto
Mr. Robert Tebbutt, Toronto

Non-Benchers:
Ms. C. Jane Arnup, Toronto
Ms. Frances P. Kiteley, Toronto
George E. Wallace, Q.C., North Bay
Robert E. Barnes, Q.C., Windsor
Robert C. Topp, Esq., Q.C., Sudbury

Lay Representatives:
Mrs. Peggy Smyth
Consumers Association, Sault Ste. Marie

Mrs. Kathleen Fleming
Children's Aid Society, Dundas

Dr. R.L. Lamb
Ontario Teachers' Federation, Toronto

Mr. Xavier Michon
President, Thunder Bay Friendship Centre
Thunder Bay

Professor Peter Russell
Faculty of Political Science, University of Toronto

Mrs. Ruth Jarmain
Provincial Council of Women, London

Mr. G.H. Gilchrist
United Steel Workers, Sudbury

Mr. Cyril O. Hurly
Former President, Chrysler Canada, Windsor

Mr. D.W. Jones
Former member, Niagara Housing Authority
Niagara Falls

Student Representative:
Ms. Frances Gregory
Osgoode Hall Law School, York University

Observer Members:
Victor Paisley, Q.C.
Advocates' Society, Toronto

Glenn Carter
Ministry of the Attorney General
Assistant Deputy Attorney General, Toronto

Ms. Nola E. Garton, Solicitor
Criminal Lawyers' Association, Toronto

Ms. Laine Parry
Ministry of Community and Social Services
Toronto

Rendall Dick, Q.C.,
Law Society of Upper Canada
Under-Treasurer, Toronto

Ms. Carol Curtis, Solicitor
Canadian Bar Association - Ontario
(Family Law Section), Toronto.

PROVINCIAL ADMINISTRATIVE STAFF FOR THE ONTARIO LEGAL AID PLAN

Provincial Director:
Andrew M. Lawson, Q.C.

Deputy Director, Legal:
Robert L. Holden, Solicitor

Deputy Director, Finance:
Dermot McCourt, C.A.

Deputy Director, Appeals:
J. Glyde Hone, Solicitor

Legal Accounts Officer:
Audrey C.R. Rosenthal, Q.C.

Deputy Legal Accounts Officer:
Ralph S. Back, Solicitor

Deputy Legal Accounts Officer:
George Biggar, Solicitor

Assistant Deputy Legal Accounts Officer:
Neva Tersigni, Solicitor

Manager, Clinic Funding:
Ross Irwin, Solicitor

Director of Research:
Kenneth L. Chasse, Solicitor

Public Information Officer:
John R. Beaufoy, Esq.

Controller:
Russell W. Hall, C.A.

Staff Solicitor:
Murray Meldrum, Solicitor

Manager, Collections:
Clifford Cantelon, Esq.

Manager, Data Processing:
Nancy C. Spooner

Investigators:
Russell W. Jones, Esq.
Ronald Banks, Esq.

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Area Directors

Algoma District
Alexander C. Harry, Q.C.

Brant County
Kenneth P. Lefebvre, Q.C.

Cochrane District
Jo-Anne Barber, Solicitor

Dufferin County
Carol Allison, Solicitor

Elgin County
Thomas A. Por, Solicitor

Essex County
James R. Lawrenson, Esq.

Frontenac County
Douglas G. Cunningham, Q.C.

Grey & Bruce Counties
Peter V. MacDonald, Q.C.

Haldimand County
H. Bain Munro, Q.C.

Halton Region
David L. McKenzie, Solicitor

Hastings and Prince Edward Counties
E. Ormonde Butler, Q.C.

Huron County
W.J. Elvin Parker, Solicitor

Kenora District
Jack K. Doner, Solicitor

Kent County
W. Alexander Woods, Solicitor

Lambton County
Raymond F. Wyrzykowski, Solicitor

Lanark County
Grant R. McLennan, Q.C.

Leeds and Grenville Counties
W. Robert Wilson, Solicitor

Lennox and Addington Counties
Joseph K. Pearce, Q.C.

Manitoulin and Sudbury Districts
Neil J. Campbell, Solicitor

Middlesex, Oxford and Perth Counties
Gretta J. Grant, Q.C.

Muskoka District
Peter B. Stuart, Q.C.

Niagara North
John E. Wilson, Q.C.

Niagara South
James V. Railton, Solicitor

Nipissing District
Richard D. Tafel, Solicitor

Norfolk County
Harvey F. McCulloch, Q.C.

Northumberland County
John P. Funnell, Q.C.

Durham Region
Joel R. Palter, Solicitor

Ottawa-Carleton Region, Prescott & Russell Counties
James B. Chadwick, Q.C.
Deputy Area Director
David C. Clancy, Solicitor

Parry Sound District
William H. Green, Q.C.

Peel Region
Gerald H. Marsden, Q.C.
Deputy Area Director
Cae Marsden

Peterborough County
William Carruthers, Solicitor

Rainy River District
Charles J. Watt, Solicitor

Renfrew County
Robert E. Leach, Solicitor

Simcoe County
Douglas G. Haig, Q.C.

Stormont, Dundas and Glengarry Counties
Ronald J. Adams, Solicitor

Temiskaming District
Wayne E. Doxsee, Solicitor

Thunder Bay District
John F. McCartney, Solicitor

Victoria and Haliburton Counties
Donald J. Warner, Q.C.

Waterloo Region
Paul L. Seitz, Solicitor

Wellington County
Joan E. Heath, Solicitor

Hamilton-Wentworth Region
William Morris, Q.C.
Deputy Area Director
N. Barry Lowe, Esq.

York County (Metro Toronto)
Russell J. Otter, Q.C.

York Region
Deputy Area Director
Robert Carson, Solicitor

APPENDIX B

THE LAW SOCIETY OF UPPER CANADA
LEGAL AID FUND

Statement of Fund
for the year ended March 31, 1985

	1985 $
Balance in Fund, beginning of year	38,699
Receipts	
Province of Ontario	62,248,000
The Law Foundation of Ontario	7,306,356
Contributions from clients	3,263,168
Judgments, costs and settlements	1,480,968
Miscellaneous income	610,972
Total Receipts	74,909,464
Disbursements	
Legal Aid fees and disbursements (note 2)	43,270,288
Duty Counsel fees and disbursements (note 2)	3,718,567
	46,988,855
Funding of Independent Community Clinics (note 3)	9,850,348
Assistance to Student Legal Aid Societies	576,000
Salaried Duty Counsel Programme (note 4)	488,518
Special Projects	-
Research Facility	771,380
Administrative Expenses	
Provincial Office (Schedule 1)	4,935,276
Area Offices (Schedule 2)	6,239,993
Total Disbursements	69,850,370
Balance in Fund, end of year	5,097,793
Consisting of:	
Cash	5,096,375
Advances	450
Security deposits	968
	5,097,793

See accompanying schedules and notes to financial statement.

Approved:

Director

Deputy Director, Finance

SCHEDULE 1

THE LAW SOCIETY OF UPPER CANADA
LEGAL AID FUND

Administrative Expenses - Provincial Office
for the year ended March 31, 1985

	1985 $
Salaries and retainers	2,268,980
Temporary staff	265,988
Employee benefits	250,580
Employment fees	12,606
Travelling expenses	50,673
Meetings, seminars and conferences	42,226
Office rents	746,618
Leasehold improvements, maintenance and taxes	59,549
Equipment and furniture	95,919
Equipment rental and maintenance	83,726
Printing and stationery	162,628
Data processing service and supplies	82,363
Consulting services	254,137
Insurance	27,412
Telephone and postage	136,425
Information and publications	157,915
Law libraries	4,773
Tracing and collection costs	167,141
Miscellaneous	65,617
	4,935,276

See accompanying schedule and notes to financial statement.

SCHEDULE 2

THE LAW SOCIETY OF UPPER CANADA
LEGAL AID FUND

Administrative Expenses - Area Offices
for the year ended March 31, 1985

	1985 $
Salaries and retainers	4,243,711
Temporary staff	195,560
Employee benefits	388,330
Employment fees	8,625
Travelling expenses	55,714
Meetings, seminars and conferences	22,467
Office rents	735,628
Leasehold improvements, maintenance and taxes	83,271
Equipment and furniture	23,400
Equipment rental and maintenance	109,291
Printing and stationery	60,449
Telephone and postage	259,751
Law libraries	10,726
Miscellaneous	43,070
	6,239,993

See accompanying notes to financial statement.

THE LAW SOCIETY OF UPPER CANADA
LEGAL AID FUND

Notes to Financial Statement
March 31, 1985

1. BASIS OF ACCOUNTING

The Fund uses a cash basis of accounting which, for disbursements, is modified to allow an additional three weeks to pay for goods and services pertaining to the fiscal year just ended.

2. STATUTORY REDUCTION OF FEES

Of the $46,988,855 (1984 - $49,106,480) paid to solicitors, fees amounted to $41,197,337 (1984 - $43,191,118).

The 25 per cent reduction of fees paid to solicitors pursuant to section 22 of the Legal Aid Act is calculated as follows:

	1985 $
Gross fees billed	54,929,783
25 per cent statutory reduction	13,732,446
Net fees paid	41,197,337

3. FUNDING OF INDEPENDENT COMMUNITY CLINICS

This programme provides for the payment of funds to clinics enabling them to provide legal services or paralegal services or both, including activities reasonably designed to encourage access to such services or to further such services and services designed solely to promote the legal welfare of a community, on a basis other than fee for service.

The total cost consists of:

	1985 $
Funding of clinics	9,364,289
Administrative costs	486,059
	9,850,348

4. SALARIED DUTY COUNSEL PROGRAMME

This programme operates in the Toronto courts and delivers duty counsel services in criminal matters using salaried solicitors employed by the The Law Society of Upper Canada.

The total cost consists of:

	1985 $
Salaries and benefits	481,060
Other administrative expenses	7,458
	488,518

Office of the
Provincial
Auditor

Parliament Buildings
Queen's Park
Toronto, Ontario
M7A 1A2
416 965-1381

To The Law Society of Upper Canada and
to the Attorney General of Ontario.

I have examined the statement of fund of the Legal Aid Fund of The Law Society of Upper Canada for the year ended March 31, 1985. My examination was made in accordance with generally accepted auditing standards, and accordingly included such tests and other procedures as I considered necessary in the circumstances.

In my opinion, this financial statement presents fairly the cash position of the Fund as at March 31, 1985 and the results of its cash operations for the year then ended in accordance with the basis of accounting described in note 1 to the financial statement, applied on a basis consistent with that of the preceding year.

A report on the audit has been made to The Law Society of Upper Canada and to the Attorney General of Ontario.

D.F. Archer

Toronto, Ontario,
August 30, 1985.

D.F. Archer, F.C.A.,
Provincial Auditor.

APPENDIX C

THE ONTARIO LEGAL AID PLAN

Schedule of Legal Aid Activity by Area
for the year ended March 31, 1985

(comparative figures for 1984 shown in parentheses)

	Applications for Legal Aid Certificates	Certificates of Eligibility Issued			Persons Assisted by Duty Counsel		
		Total	Criminal	Civil	Total	Criminal	Civil
Algoma	2985	2739	1484	1255	4416	3548	868
Brant	1509	1334	868	466	2772	2272	500
Bruce	565	398	173	225	1026	846	180
Cochrane	1754	1333	615	718	1365	1260	105
Dufferin	232	98	71	27	807	552	255
Durham	3059	1919	1286	633	7000	4199	2801
Elgin	863	741	334	407	2997	1744	1253
Essex	6521	4771	2277	2494	8642	5896	2746
Frontenac	2712	1684	720	964	4535	3250	1285
Grey	1116	873	397	476	2494	1794	700
Haldimand	300	264	134	130	761	684	77
Halton	1487	982	605	377	4646	3569	1077
Hastings & Prince Edward	2870	2306	1165	1141	3762	2926	836
Huron	143	135	46	89	485	479	6
Kenora	1476	1292	832	460	2102	2055	47
Kent	1196	782	422	360	2500	1354	1146
Lambton	1460	918	569	349	4016	2341	1675
Lanark	465	378	207	171	820	732	88
Leeds & Grenville	1007	794	317	477	1618	1215	403
Lennox & Addington	701	556	393	163	1690	1513	177
Manitoulin & Sudbury	3093	2397	1495	902	6574	4961	1613
Middlesex	4259	2240	1769	471	6390	5236	1154
Muskoka	642	502	192	310	930	805	125
Niagara North	1882	1341	746	595	5342	3614	1728

	Applications for Legal Aid Certificates	Certificates of Eligibility Issued			Persons Assisted by Duty Counsel		
		Total	Criminal	Civil	Total	Criminal	Civil
Niagara South	2441	1562	980	582	4674	3687	987
Nipissing	1647	1018	469	549	2956	2887	69
Norfolk	588	575	220	355	856	835	21
Northumberland	889	603	337	266	3166	2863	303
Ottawa-Carleton	7232	5666	3348	2318	11958	3436	8522
Oxford	759	289	181	108	1825	1450	375
Parry Sound	477	433	218	215	922	857	65
Peel	5137	2907	1571	1336	13646	10810	2836
Perth	240	165	102	63	2256	1862	394
Peterborough	1556	1303	737	566	4193	2493	1700
Prescott & Russell	768	602	243	359	575	404	171
Rainy River	312	271	122	149	1091	1032	59
Renfrew	958	636	299	377	1677	1156	521
Simcoe	3736	3248	1664	1584	9633	7520	2113
Stormont, Dundas & Glengarry	1249	878	504	374	2944	2118	826
Temiskaming	589	429	222	207	1059	946	113
Thunder Bay	2761	2130	1201	929	4836	4435	401
Victoria & Haliburton	499	316	165	151	1368	1125	243
Waterloo	3414	2599	1703	896	6321	5258	1063
Wellington	1229	796	467	329	4298	2701	1597
Wentworth	9083	7586	4228	3358	11874	5757	6117
York	1567	1168	643	525	4689	3053	1636
Metropolitan Toronto	32409	21574	13390	8184	16740	7346	9394
	121837	87531	50131	37400	191247	130876	60371

APPENDIX D

THE ONTARIO LEGAL AID PLAN

Legal Aid Fees and Disbursements
for year ended March 31, 1985
(comparative figures for 1984 shown in parentheses)

	FEES	DISBURSEMENTS	TOTAL	COMPLETED CASES	AVERAGE COST PER CASE
	$	$	$		$
Criminal					
Metro Toronto	8,676,742 (9,149,177)	1,181,888 (1,139,697)	9,858,630 (10,288,874)	12,146 (14,905)	811.68 (690.30)
Other Areas	14,116,986 (15,989,776)	1,053,872 (1,198,342)	15,170,858 (17,188,118)	30,218 (36,864)	502.05 (466.26)
Total	22,793,728 (25,138,953)	2,235,760 (2,338,039)	25,029,488 (27,476,992)	42,364 (51,769)	590.82 (530.77)
Civil					
Metro Toronto	3,632,644 (3,348,029)	734,754 (729,072)	4,367,398 (4,077,101)	6,460 (6,605)	676.07 (617.28)
Other Areas	10,264,082 (10,430,640)	2,414,979 (2,497,010)	12,679,061 (12,927,650)	21,620 (24,786)	586.45 (521.57)
Total	13,896,726 (13,778,669)	3,149,733 (3,226,082)	17,046,459 (17,044,751)	28,080 (31,391)	607.07 (541.71)
Advice					
Metro Toronto	7,537 (5,306)	2,674 (1,131)	10,211 (6,437)	82 (79)	124.53 (81.49)
Other Areas	89,712 (102,954)	4,555 (3,733)	94,267 (106,687)	1,363 (1,722)	69.17 (61.96)
Total	97,249 (108,260)	7,229 (4,864)	104,478 (113,124)	1,445 (1,801)	72.31 (62.82)
Total Completed Cases	36,787,703 (39,025,882)	5,392,722 (5,568,985)	42,180,425 (44,594,867)	71,889 (84,961)	586.75 (524.89)
Adjustment Payments (Net)	794,314 (695,724)	295,549 (254,579)	1,089,863 (950,303)		
Total Payments	37,582,017 (39,721,606)	5,688,271 (5,823,564)	43,270,288 (45,545,170)		

APPENDIX E

THE ONTARIO LEGAL AID PLAN

Duty Counsel Fees and Disbursements
for the year ended March 31, 1985
(comparative figures for 1984 shown in parentheses)

	FEES	DISBURSEMENTS	TOTAL	PERSONS ASSISTED	AVERAGE COST PER PERSON ASSISTED
	$	$	$		$
Criminal					
Metro Toronto	140,109 (143,510)	1,410 (704)	141,519 (144,214)	7,346 (8,095)	19.27 (17.82)
Other Areas	2,123,343 (2,170,254)	79,093 (72,892)	2,202,436 (2,243,146)	123,530 (122,809)	17.83 (18.27)
Total	2,263,452 (2,313,764)	80,503 (73,596)	2,343,955 (2,387,360)	130,876 (130,904)	17.91 (18.24)
Civil					
Metro Toronto	208,658 (185,164)	4,946 (5,023)	213,604 (190,187)	9,394 (9,355)	22.74 (20.33)
Other Areas	1,143,210 (970,583)	17,798 (13,180)	1,161,008 (983,763)	50,977 (46,680)	22.78 (21.08)
Total	1,351,868 (1,155,747)	22,744 (18,203)	1,374,612 (1,173,950)	60,371 (56,035)	22.77 (20.95)
Total Payments	3,615,320 (3,469,511)	103,247 (91,799)	3,718,567 (3,561,310)	191,247 (186,939)	19.45 (19.05)

SALARIED DUTY COUNSEL PROGRAMME

CRIMINAL	**METRO TORONTO**	
TOTAL COST OF PROGRAMME	PERSONS ASSISTED	AVERAGE COST PER PERSON ASSISTED
$ 488,518 (472,349)	78,882 (61,786)	$ 6.20 (7.65)

APPENDIX F

THE ONTARIO LEGAL AID PLAN

Analysis of Completed Cases by Type of Aid
for year ended March 31, 1985
(comparative figures for 1984 shown in parentheses)

A Legal Aid Case is defined as being a matter in which services have been rendered pursuant to a legal aid certificate

TYPE OF AID	NUMBER OF CASES	TOTAL FEES AND DISBURSEMENTS	AVERAGE COST PER CASE
		$	$
Criminal			
Unlawful Homicide	492 (525)	2,096,374 (1,774,750)	4,260.93 (3,380.48)
Sexual Assault	220 (398)	399,183 (768,455)	1,814.47 (1,930.79)
Robbery	1,820 (2,276)	2,476,597 (2,851,926)	1,360.77 (1,253.04)
Theft, Break and Enter, Possession of stolen property	17,595 (22,055)	9,348,462 (10,724,621)	531.32 (486.27)
Drunk and Impaired Driving	1,805 (2,787)	412,900 (607,660)	228.76 (218.03)
Other Motor Vehicle Offences	1,198 (1,165)	381,127 (366,466)	318.14 (314.56)
Narcotics	2,090 (2,800)	1,772,068 (1,883,304)	847.88 (672.61)
Assault	6,406 (6,567)	3,249,691 (2,817,428)	507.29 (429.03)
Fraud, False Pretences	3,159 (3,700)	1,932,606 (2,049,981)	611.78 (554.05)
Other	7,579 (9,496)	2,960,480 (3,632,401)	390.62 (382.52)
Total	42,364 (51,769)	25,029,488 (27,476,992)	590.82 (530.77)
Civil			
Uncontested Divorce Proceedings	5,236 (6,487)	2,617,765 (3,036,429)	499.96 (468.08)
Other Domestic Matters	17,087 (18,957)	11,237,723 (11,093,019)	657.68 (585.17)
Motor Vehicle Negligence	188 (231)	144,895 (138,148)	770.72 (598.04)
Consolidations, etc.	23 (32)	7,021 (7,081)	305.26 (221.29)
Workmen's Compensation Matters	175 (166)	76,831 (59,494)	439.04 (358.40)
Immigration Matters	11 (8)	3,100 (3,703)	281.82 (462.91)
Property Actions	1,409 (1,717)	712,382 (713,930)	505.60 (415.80)
Damage Actions	907 (680)	634,376 (479,553)	699.43 (705.22)
Other	3,044 (3,113)	1,612,366 (1,473,394)	529.69 (473.30)
Total	28,080 (31,391)	17,046,459 (17,004,751)	607.07 (541.71)
Legal Advice	1,445 (1,801)	104,478 (113,124)	72.31 (62.82)
Total Completed Cases	71,889 (84,961)	42,180,425 (44,594,867)	586.75 (524.89)

APPENDIX G

THE ONTARIO LEGAL AID PLAN

Analysis of Completed Cases by Court
for year ended March 31, 1985
(comparative figures for 1984 shown in parentheses)

A Legal Aid Case is defined as being a matter in which services have been rendered pursuant to a legal aid Certificate.

COURT	NUMBER OF CASES	TOTAL FEES AND DISBURSEMENTS	AVERAGE COST PER CASE
		$	$
Provincial Judge: Criminal Division	34,035 (41,889)	14,345,011 (16,404,355)	421.48 (391.61)
Juvenile	1,904 (1,983)	822,678 (721,930)	432.08 (364.06)
Family Division	6,760 (8,226)	3,588,477 (3,945,362)	530.84 (479.62)
County or District	7,704 (8,824)	9,847,699 (10,072,458)	1,278.26 (1,141.48)
Surrogate	62 (35)	77,739 (54,939)	1,253.86 (1,569.68)
Supreme Court of Ontario	8,540 (9,522)	9,289,104 (9,160,179)	1,087.72 (962.00)
Court of Appeal	517 (772)	786,429 (984,510)	1,521.14 (1,275.27)
Supreme Court of Canada	29 (20)	63,608 (49,169)	2,193.39 (2,458.44)
Small Claims	121 (176)	42,607 (37,906)	352.13 (215.37)
Review Boards	987 (760)	510,815 (395,388)	517.55 (520.25)
Other	666 (433)	377,155 (291,959)	566.30 (674.27)
Matters not involving or resulting in trial proceedings	9,119 (10,520)	2,324,625 (2,363,588)	254.93 (224.68)
Legal Advice only	1,445 (1,801)	104,478 (113,124)	72.31 (62.82)
Total Completed Cases	71,889 (84,961)	42,180,425 (44,594,867)	586.75 (524.89)

Appendix H

THE ONTARIO LEGAL AID PLAN

Breakdown of the Legal Aid Dollar

	Year Ended March 31		
	1985	1984	1983
Received			
Province of Ontario	0.84	0.86	0.78
The Law Foundation of Ontario	0.10	0.08	0.16
Contributions from Clients	0.04	0.04	0.04
Client Recoveries	0.02	0.02	0.02
	$1.00	$1.00	$1.00
Paid			
Fees and Disbursements -			
Criminal	0.37	0.40	0.38
Civil	0.25	0.25	0.25
Duty Counsel	0.05	0.05	0.06
	0.67	0.70	0.69
Community Legal Clinics and Student Legal Aid Societies	0.15	0.13	0.12
Area Directors' Retainers and Staff Salaries	0.10	0.09	0.10
Other Administrative Expenses	0.08	0.08	0.09
	$1.00	$1.00	$1.00

APPENDIX I

THE ONTARIO LEGAL AID PLAN

Disposition of Appeals to Area Committees
from the Decisions of Area Directors
Pursuant to Section 16(10) of the Legal Aid Act, 1966,
for the year ended March 31, 1985

Area	Applications Refused by Area Directors	Total Appeals to Area Committees	Appeals Allowed	Appeals Disallowed
Algoma	486	81	70	11
Brant	278	2	1	1
Bruce	51	14	9	5
Cochrane	517	16	6	10
Dufferin	137	16	3	13
Durham	1,071	119	38	81
Elgin	257	2	-	2
Essex	1,560	76	8	68
Frontenac	1,068	80	29	51
Grey	224	9	4	5
Haldimand	51	9	5	4
Halton	625	54	28	26
Hastings & Prince Edward	779	3	1	2
Huron	4	1	1	-
Kenora	348	6	-	6
Kent	255	7	2	5
Lambton	495	8	1	7
Lanark	84	-	-	-
Leeds & Grenville	260	18	13	5
Lennox & Addington	155	12	-	12
Manitoulin & Sudbury	735	39	14	25
Middlesex	1,038	2	-	2
Muskoka	84	-	-	-
Niagara North	467	47	32	15
Niagara South	1,110	183	114	69
Nipissing	643	82	39	43
Norfolk	22	1	-	1
Northumberland	294	43	2	41
Ottawa-Carleton	1,055	138	64	74
Oxford	196	7	4	3
Parry Sound	85	3	2	1
Peel	1,500	50	20	30
Perth	127	5	-	5
Peterborough	320	4	2	2
Prescott & Russell	71	-	-	-
Rainy River	56	6	2	4
Renfrew	330	24	12	12
Simcoe	1,034	62	20	42
Stormont, Dundas & Glengarry	387	35	25	10
Temiskaming	166	8	3	5
Thunder Bay	620	40	22	18
Victoria & Haliburton	145	11	3	8
Waterloo	1,297	101	35	66
Wellington	391	24	7	17
Wentworth	1,939	41	25	16
York	592	41	18	23
Metropolitan Toronto	12,733	1,531	642	889
PROVINCIAL TOTAL	36,142	3,061	1,326	1,735

APPENDIX J

THE ONTARIO LEGAL AID PLAN

Applications for Legal Aid
Subject to the Approval of Area Committees
Pursuant to Section 14 of the Legal Aid Act, 1966,
for the year ended March 31, 1985

Area	Total	Applications Granted and Certificates Issued	Applications Refused
Algoma	83	63	20
Brant	24	15	9
Bruce	6	4	2
Cochrane	76	55	21
Dufferin	13	4	9
Durham	54	24	30
Elgin	15	9	6
Essex	59	22	37
Frontenac	32	14	18
Grey	13	5	8
Haldimand	14	10	4
Halton	27	15	12
Hastings & Prince Edward	39	22	17
Huron	2	1	1
Kenora	10	6	4
Kent	20	7	13
Lambton	26	20	6
Lanark	7	5	2
Leeds & Grenville	13	10	3
Lennox & Addington	23	4	19
Manitoulin & Sudbury	66	41	25
Middlesex	77	41	36
Muskoka	5	1	4
Niagara North	38	27	11
Niagara South	62	28	34
Nipissing	40	19	21
Norfolk	7	5	2
Northumberland	29	8	21
Ottawa-Carleton	124	84	40
Oxford	10	7	3
Parry Sound	7	5	2
Peel	117	53	64
Perth	5	2	3
Peterborough	42	24	18
Prescott & Russell	9	7	2
Rainy River	2	1	1
Renfrew	22	7	15
Simcoe	157	50	107
Stormont, Dundas & Glengarry	5	2	3
Temiskaming	14	9	5
Thunder Bay	70	37	33
Victoria & Haliburton	17	3	14
Waterloo	81	49	32
Wellington	51	26	25
Wentworth	171	106	65
York	42	22	20
Metropolitan Toronto	874	383	491
Provincial Total	2,700	1,362	1,338

APPENDIX K
Duty Counsel Clinics

Essex
Legal Assistance of Windsor
85 Pitt Street East, Windsor

Ontario
40 King Street West, Suite 306
Oshawa

Ottawa-Carleton
104-1305 Richmond Road, Ottawa
167 Lisgar Street, Ottawa
Gloucester Community Resource Centre, 2040 Arrowsmith Drive, Ottawa
Centretown Community Resource Centre, 100 Argyle Avenue, Ottawa
Nepean Library
1541 Merivale Road, Ottawa

Peel
United Co-operative Building of Ontario
151 City Centre Drive, 9th Floor
Square One, Mississauga

Waterloo
Community Legal Services
30 Francis Street South, Kitchener
Dickson Centre
30 Parkhill Road, Cambridge

Welland
Community Resource Centre
5017 Victoria Avenue, Niagara Falls

Wellington
YM-YWCA Building
400 Speedvale Avenue East, Guelph

Wentworth
Hamilton Multicultural Centre
500 James Street North, Hamilton
McMaster University, Room 211
Hamilton Hall, Hamilton
Hamilton Psychiatric Hospital
Auchmar Building, Hamilton
St. Matthew's House
414 Barton Street East, Hamilton
North End Information Service
485 John Street North, 2nd Floor, Hamilton
Dundurn Community Legal Services
426 Main Street West, Hamilton
Dundas Community Development Council
Dundas Armouries Building
10 Market Street South, Dundas
Mohawk College, Room C122
Student Lounge, Hamilton

York
Area Director's Office
70 Centre Avenue, Toronto
Old City Hall, Room 303
60 Queen Street West, Toronto
Problem Central
Richard W. Scott School
151 Rosemount Avenue, Toronto
Dixon Hall Neighbourhood
(Social and Family Service Centre)
58 Sumach Street, Toronto
Neighbourhood Information Centre
81 Barrington Avenue, Toronto
Downsview Clinic
Downsview Public Library
2793 Keele Street, Downsview
Community Information-
Fairview Mall
1800 Sheppard Avenue East, Willowdale
Willowdale Public Library
5126 Yonge Street, Willowdale
Injured Workers' Consultants
815 Danforth Avenue, Suite 402, Toronto
Action Service Contact Centre
185-5th Street, Toronto
Humber College Rexdale
205 Humber College Blvd., Rexdale
Humber College Lakeshore 1
3199 Lakeshore Blvd. West, Etobicoke
Bloordale Community School
(West Central Etobicoke)
10 Toledo Road, Islington
York Community Services
(Family Services Association)
1651 Keele Street, Toronto
Scarborough Court House Clinic
1911 Eglinton Avenue East, Scarborough
Cedarbrae District Library
545 Markham Road, Scarborough
Warden Woods Community Centre
74 Firvalley Court, Scarborough
Italian Immigrant Aid Society
StellaMaris Catholic School
31 Ascott Avenue, Toronto
Landlord's Self Help Centre
110 Atlantic Avenue, Toronto
Weston Information and Referral Service
1901A Weston Road, Weston
Latin American Community Centre
Unit 9, 2nd Floor
9 Milvan Drive, Weston
Japanese/Canadian Cultural Centre
123 Wynford Drive, Don Mills
Lawrence Heights Medical Centre
3 Replin Road, Toronto

APPENDIX L
Independent Community Based Legal Clinics

Advocacy Centre for the Elderly
20 Holly Street, Suite 405
Toronto, (416) 487-7157

Advocacy Resource Centre for the Handicapped
40 Orchard View Blvd., Suite 255
Toronto, (416) 482-8255 (voice)
(416) 482-1254 (TTY)

Algoma Community Legal Clinic
123 March Street, Suite 503
Sault Ste. Marie, (705) 942-4900

Bloor Information and Legal Services
835 Bloor Street West
Toronto, (416) 531-7376

Canadian Environmental Law Association
243 Queen Street West, 4th Floor
Toronto, (416) 977-2410

Central Toronto Community Legal Clinic
364 Bathurst Street
Toronto, (416) 363-0304

Centre For Spanish Speaking Peoples
582A College Street
Toronto, (416) 533-8545

Clinique juridique populaire de Prescott-Russell
577 McGill Street, P.O. Box 156
Hawkesbury, (613) 632-1136

Community Legal Education Ontario
62 Noble Street
Toronto, (416) 530-1800

Community Legal Services of Niagara South
27 Division Street
Welland, (416) 732-2447
Crystal Beach, (416) 894-4775

Community Legal Services (Ottawa-Carleton)
71 Daly Street
Ottawa, (613) 238-7008

Correctional Law Project
Queen's University
Kingston, (613) 547-5860
295 Brock Street
Kingston, (613) 546-1171

Dundurn Community Legal Services
426 Main Street West
Hamilton, (416) 527-4572

Durham Legal Clinic
40 King Street West, Suite 306
Oshawa, (416) 728-7321

East Toronto Community Legal Services
930 Queen Street East
Toronto, (416) 461-8102

Flemingdon Community Legal Services
747 Don Mills Road, Suite 110
Don Mills, (416) 424-1965

Halton Hills Community Legal Clinic
5 Wesleyan Street
Georgetown, (416) 877-5256

Hastings and Prince Edward Legal Services
194 Front Street
Belleville, (613) 966-8686
Madoc, (613) 473-4839
Picton, (613) 476-6941

Industrial Accident Victims Group of Ontario
845 St. Clair Avenue West, Suite 304
Toronto, (416) 651-5650

Injured Workers' Consultants
815 Danforth Avenue, Suite 402
Toronto, (416) 461-2411

Jane Finch Community Legal Services
1977 Finch Avenue West, Suite 201
Downsview, (416) 746-3334

Justice For Children
720 Spadina Avenue, Suite 105
Toronto, (416) 920-1633

Keewaytinok Native Legal Services
P.O. Box 218,Revillon Rd.,
Moosonee, (705) 336-2981

Kenora Community Legal Clinic
336 Second Street South
Kenora, (807) 468-8888
(807) 468-7363

Kinna-aweya Legal Clinic
233 Van Norman Street
Thunder Bay, (807) 344-2478
Armstrong, (807) 583-2631
Geraldton, (807) 854-1278
Marathon, (807) 229-1483

Landlord's Self Help Centre
110 Atlantic Avenue,
Toronto, (416) 532-4467

Legal Assistance Kent
78 Wellington Street West
P.O. Box 97
Chatham, (519) 351-6771

Legal Assistance of Windsor
85 Pitt Street East
Windsor, (519) 256-7831

London Legal Clinic
121 Queen's Avenue
London, (519) 679-6771

McQuesten Legal and Community Services
360A Queenston Road
Hamilton, (416) 545-0442

Metro Tenants Legal Services
366 Adelaide Street East, Suite 233
Toronto, (416) 364-1486

Mississauga Community Legal Services
30 Stavebank Road North
Mississauga,(416) 274-8531

Neighbourhood Legal Services
238 Carlton Street
Toronto, (416) 961-2625

Niagara North Community Legal Assistance
8 Church Street, P.O. Box 1266
St. Catharines, (416) 682-6635

Parkdale Community Legal Services
1239 Queen Street West
Toronto, (416) 531-2411

Renfrew County Legal Services
180 Plaunt Street South, No. 3
Renfrew, (613) 432-8146

Rexdale Community Information Directory
1530 Albion Road
Rexdale, (416) 741-1553

Rural Legal Services
c/o Faculty of Law, Macdonald Hall
Queen's University
Kingston, (613) 547-2694

c/o North Frontenac Community Services
P.O. Box 250
Sharbot Lake, (613) 279-2928

Scarborough Community Legal Services
695 Markham Road, Suite 9
Scarborough, (416) 438-7182

Simcoe Legal Services Clinic
43 West Street North
P.O. Box 275
Orillia, (705) 326-6444
Barrie, (705) 722-3421
Midland, (705) 835-2778
Collingwood, (705) 835-2778

Sioux Lookout Community Legal Clinic
56 Front Street, P.O. Box 187
Sioux Lookout, (807) 737-3074

Stormont, Dundas and Glengarry Community Legal Clinic
4 Montreal Road
Cornwall, (613) 932-2703

Sudbury Community Legal Clinic
45 Elm Street East, Suite 401
Sudbury, (705) 674-3200

Tenant Hotline
1215 St. Clair Avenue West
Toronto, (416) 656-5500

Waterloo Region Community Legal Services
30 Francis Street South
Kitchener, (519) 743-0254
Cambridge, (519) 653-1640

West End Legal Services
1305 Richmond Road, Suite 104
Ottawa, (613) 596-1641

York Community Services
1651 Keele Street
Toronto, (416) 653-5400

APPENDIX M
The Ontario Legal Aid Plan
Area Committee Members

Algoma District

Richard DeLorenzi, Solicitor
Sault Ste. Marie

R. Jack Falkins, Solicitor
Sault Ste. Marie

N. Douglas Gaetz, Q.C.
Sault Ste. Marie

Elizabeth McCoy,
Native Court Worker
Sault Ste. Marie

Donald R. Orazietti, Q.C.
Sault Ste. Marie

George W. Priddle, Q.C.
Sault Ste. Marie

Brant County

Marvin B. Daboll,Q.C.,
Brantford

Marnie Knechtel
former Executive Director
Prison Arts Foundation, Brantford

Frank J. McInnes, Pharmacist
Brantford

John A. Purcell, Solicitor
Brantford

Murray J. Tarrison, Solicitor
Paris

Joseph M. Wiacek, Solicitor
Brantford

Bruce County

D.A. Farr, Solicitor
Walkerton

R. Forsyth, Q.C.
Southampton

Peggy French, Housewife
Southampton

B.R. Linley, Solicitor
Walkerton

Robert S. Mackenzie, Solicitor
Walkerton

A. McTavish, Solicitor
Teeswater

Peter Pegg, Solicitor
Wiarton

Joseph A. Reichenbach, Solicitor
Walkerton

Donald Waechter, Q.C.
Walkerton

T. Wright, Solicitor
Kincardine

Ottawa-Carleton Region

Nancy Adams, Executive Assistant
Ottawa

Arthur Cogan, Q.C.
Ottawa

Roydon Hughes, Q.C.
Ottawa

Nancy Johnson, Solicitor
Ottawa

Philip Killeen, President
Algonquin College, Ottawa

Alastair MacDonald, Q.C.
Ottawa

T.P. Metrick, Q.C.
Ottawa

Joseph Poirier, Businessman
Ottawa

Bruce Rice, Solicitor
Ottawa

Henri St Jacques, Q.C.
Ottawa

David W. Scott, Q.C.
Ottawa

Leonard Shore, Q.C.
Ottawa

Ian Stauffer, Solicitor
Ottawa

Barbara Thompson, Student
Legal Aid Society, Ottawa

Lloyd Vineberg, Businessman
Ottawa

Robert Wakefield, Solicitor
Ottawa

Keith Wilkins, Solicitor
Hawkesbury

Cochrane District

Richard Albert, Manager
Canada Manpower Centre, Timmins

J. Kenneth Alexander, Solicitor
Timmins

Jean Francois Aube, Solicitor
Timmins

Ralph E.W. Carr, Solicitor
Timmins

Jean Paul Gelinas, Photographer
Timmins

John Kukurin, Solicitor
Timmins

Susan T. McGrath, Solicitor
Iroquois Falls

W. Gerald Spooner, Insurance
Agent and Realtor, Timmins

Dufferin County

William Church, Q.C.
Orangeville

Willy Edelbrock, Businessman
Orangeville

Robert Lackey, Retired Treasurer
Town of Orangeville, Orangeville

Peter T. Parkinson, Q.C.
Orangeville

George H. Shepherd, Solicitor
Shelburne

Elgin County

Robert F. Cline, Solicitor
St. Thomas

Father Patrick J. Costello
St. Thomas

Bruce Doan, Probation Officer
St. Thomas

Maxwell F. Doan, Retired School Teacher
St. Thomas

William W. Johnson, Solicitor
St. Thomas

Ernest W. Popovich, Solicitor
St. Thomas

Marietta L.D. Roberts, Solicitor
St. Thomas

Colleen Squires, Social Worker
St. Thomas

Gary R. Vedova, Solicitor
St. Thomas

Essex County

Lou Bendo, Businessman
Windsor

Edwin Clarke, Director
Family Service Bureau, Windsor

Fred Corp, Businessman
Windsor

Cecil R. Croll, Q.C.
Windsor

Armando DeLuca, Q.C.
Windsor

Richard Dinham, Solicitor
Windsor

Peter D. Eberlie, Solicitor
Windsor

Mary M.S. Fox, Solicitor
Windsor

Denis Harrison, Assistant Crown Attorney
Windsor

Morris Kamin, Q.C.
Windsor

Dr. Sal Kizis, M.D.
Windsor

Linda Martschenko, Solicitor
Leamington

Donna Miller, Director
Hiatus House, Lasalle

Frank Montello, Q.C.
Windsor

Samuel Mossman, Solicitor
Windsor

John Riggs, Solicitor
Windsor

Dr. Byron Rourke, Physician
Windsor

Barbara Rowland, Registered Nurse,
McGregor

Roger A. Skinner, Solicitor
Windsor

Jerry Switzer, Solicitor
Windsor

Donald H. Tait, Q.C.
Windsor

Jerry Woloschuck, Businessman
Windsor

Frontenac County

J. Black, Q.C.
Kingston

J.R. Crouchman, Solicitor
Kingston

D.B. Good, Q.C.
Kingston

John T. Hogan, Solicitor
Kingston

Peter F. Kemp, Solicitor
Kingston

Capt. Pearce, Salvation Army
Kingston

P.J. Radley, Q.C.
Kingston

Andrew Roberts, Student
Legal Aid Society, Kingston

Paul C. Ryan, Solicitor
Kingston

L.H. Tepper, Q.C.
Kingston

B. Trumpour, Q.C.
Kingston

Grey County

Chander G. Chaddah, Solicitor
Owen Sound

T.A. Keeling, Controller
Owen Sound

Hal A. Lendon, Solicitor
Owen Sound

Fran McCormick, Alexander &
McCormick Communications, Owen Sound

Catherine Meanwell, Solicitor
Owen Sound

John H. Middlebro', Solicitor
Owen Sound

Rev. Federick Alexander Miller
Owen Sound

Wallace L. Murray, Solicitor
Owen Sound

James L. Van Wyck, Solicitor
Owen Sound

Haldimand County

James R. Baxter, Solicitor
Hagersville

G. Donald Chambers, Solicitor
Dunnville

Michael W. Fowler, Solicitor
Hagersville

John F. Jacob, Solicitor
Dunnville

Cecil Johnson, Retired Sheriff
Caledonia

Bryce Jones, Q.C.
Caledonia

William P. Murray, Solicitor
Caledonia

F. Christopher Rous, Solicitor
Cayuga

L.P. Thibideau, Solicitor
Cayuga

Halton Region

David Angus, Management and
Marketing Consulting, Milton

R.F. Coupland, Executive Director,
Halton Children's Aid Society, Burlington

Rosalind Fenwick, Social Worker
Campbellville

Father David Hamid
Burlington

Richard T. Howitt, Q.C.
Georgetown

W.R. Lawson, Race Track Judge
Georgetown

Robert Lush, Q.C.
Oakville

D.G. Marshall, Q.C.
Oakville

Robert Martin, Solicitor
Burlington

D.A. McConachie, Q.C.
Oakville

J.A. Treleaven, Q.C.
Crown Attorney, Milton

Hastings and Prince Edward Counties

O. Gregory Anderson, Q.C.
Bancroft

William G. Argue, Q.C.
Belleville

Ronald W. Cass, Q.C.
Belleville

Robert A. Gazley, Solicitor
Trenton

Peter Girard, Solicitor
Belleville

Richard Ketcheson, Solicitor
Belleville

Louis Maraskas, Q.C.
Belleville

James F O'Brien, Solicitor
Belleville

W.U. Tausendfreund, Solicitor
Belleville

William G. Weston, Solicitor
Trenton

Peter Wright, Solicitor
Belleville

Huron County

J.T. Goodall, Solicitor
Wingham

E.B. Menzies, Q.C.
Clinton

D.J. Murphy, Q.C.
Goderich

P.L. Raymond, Q.C.
Exeter

D.I. Stewart, Q.C.
Seaforth

Kenora District

L.P.K. Compton, Q.C.
Kenora

C. Dunford, Security Officer
Balmertown

D.G. Fraser, Solicitor
Kenora

L.W. Goss, Retired Superintendent
Kenora District Jail, Kenora

T.A. O'Flaherty, Q.C.
Kenora

T.A. Platana, Solicitor
Dryden

P. Spalton, Sheriff
Kenora

Kent County

Larry R. Babcock, Solicitor
Chatham

John A. Burgess, Q.C.
Wallaceburg

R. Lyn McFalls, Solicitor
Chatham

Ronald Moon, Businessman
Chatham

William Myers, Q.C.
Chatham

Garnet Newkirk, former Mayor and former President
Ontario Municipal Association, Chatham

Harold J. O'Brien, Q.C.
Chatham

Blake Ward, Crown Attorney
Chatham

Thomas Warwick, Q.C.
Blenheim

John B. Watson, Solicitor
Chatham

Lambton County

Ian Bruce, Solicitor
Sarnia

Reverend Dennis Clark, Minister of St. Andrew's Church, Sarnia

Donald J.C. Elliott, Q.C.
Sarnia

Joseph F. Foreman, Q.C.
Sarnia

William F. Higgins, Jr. Solicitor
Sarnia

G. Mark Hornblower, Solicitor
Sarnia

Lanark County

Ralph G. Barker, Q.C.
Perth

Karl B. Bruun, Solicitor
Carleton Place

L.G. William Chapman, Solicitor
Almonte

David W. Dempsey, Solicitor
Carleton Place

N. Duane Dixon, Q.C.
Smith Falls

Gerald R. Dulmage, Q.C.
Perth

Michael J. Galligan, Q.C.
Almonte

Peter Sinclair, Florist
Perth

John E. Willson, Q.C.
Perth

Leeds and Grenville Counties

Max F. Anningson, Bank Manager
Brockville

Harry C. Clarke, Q.C.
Gananoque

John T. Corbett, Q.C.
Brockville

Duncan C. Fraser, Q.C.
Brockville

David A. Hain, Solicitor
Brockville

Hugh R. Hart, Solicitor
Brockville

John E. Henderson, Q.C.
Brockville

John H. Macintosh, Q.C.
Brockville

John A. Patterson, C.L.U., Life Insurance Representative, Brockville

Lt. Kenneth Ritson, Salvation Army
Brockville

Edward J. Warren, Q.C
Kemptville

Lennox and Addington Counties

Keith Bartsch, Attendance Officer
Napanee

Hubert W. Hogle, Solicitor
Napanee

J.E. Madden, Solicitor
Napanee

Grant Sexsmith, Retired Probation Officer
Napanee

William Sirman, Solicitor
Napanee

H.W. Webster, Retired Sheriff
Napanee

Manitoulin and Sudbury Districts

Heikki A. Auvinen, Solicitor
Sudbury

Roger E. Barbeau, Area School Superintendent
Sudbury

Hubert D. Bray, Solicitor
Sudbury

Normand J. Forest, Solicitor
Sudbury

Larry Gavin, Vice-President
Mid-Canada Communication (Canada)
Sudbury

John A. Goodearle, Q.C.
Sudbury

George C. Lund, Vice-President
Mid-Canada Communication (Canada) Corp.
Sudbury

Patricia Mensour, Solicitor
Sudbury

Richard A. Pharand, Q.C.
Sudbury

Robert Recollet, President
Nickel Belt Indian Club, Sudbury

Roy A. Sullivan, Solicitor
Sudbury

Robert C. Topp, Solicitor
Sudbury

Middlesex County

Bea Aitkins, Probation Officer
London

Jane Bigelow, Employment and
Immigration Officer, London

Mervin F. Burgard, Q.C.
London

G. Dickinson, Professor
University of Western Ontario, London

John Getliffe, Q.C.
London

Terry Hainsworth, Solicitor
London

W. Halliday, Labour Representative
London

Connie Hueston, Solicitor
London

Pauline Jamieson, Native Courtworker
London

A.H. Little, Q.C.
London

J. MacLeod, Director
London Legal Clinic, London

Charles L. MacKenzie, Q.C.
London

J.S.M. Mitchell, Solicitor
London

J. Murray Neilson, Q.C.
London

Dean Raynor, Professor of Law
University of Western Ontario, London

J.B. Robinson, Insurance Broker
London

R. Tietz, Personnel Director
London

Muskoka District

John A. Christensen, Q.C.
Gravenhurst

Frank Henry, Hospital Administrator
Bracebridge

Sean Kelly, Solicitor
Bracebridge

J.D.C. McBride, Retired Sheriff
Bracebridge

W. Alan Newell, Q.C.
Crown Attorney, Dwight

F.B. Schuch, Q.C
Huntsville

Herbert E.S. Sugg, Q.C.
Bracebridge

Thomas M. Wood, Q.C.
Bracebridge

Niagara North

M. Eleanor Lancaster, Vice-Chairman
Environmental Assessment Board, St. Catharines

H. Christina MacNaughton, Solicitor
St. Catharines

Woodward B. McKaig, Solicitor
St. Catharines

Eric Partington, Retired Bank Manager
St. Catharines

Dan Press, Senior Meter Reader
Provincial Gas Co., St. Catharines

Robert B. Reid, Solicitor
St. Catharines

William Robins, Q.C.
St. Catharines

Malte vonAnrep, Q.C.
St. Catharines

Niagara South

Moyra Campion, Housewife
Welland

W.K. Ebert, Q.C.
Port Colborne

Joseph R. Henderson, Solicitor
Niagara Falls

Rev. Dr. Raymond Hodgson
Welland

Peter Jurmain, Solicitor
Thorold

George Kirkham, Solicitor
Niagara Falls

Michael S. Stratton, Solicitor
Welland

L. Cameron Williams, Solicitor
Fort Erie

Nipissing District

Linda Alkins, Consumer Services Representative
Royal Bank of Canada, North Bay

Alice Boyer, Supervisor
Self and Assisted Services, North Bay

John A. Inch, Q.C.
North Bay

Lawrence J. Klein, Solicitor
North Bay

Hugh C. McLachlan, Solicitor
North Bay

Robert E. Steadman, Professional Counsellor
North Bay

J.S. Stone, Director of Inspection Services
North Bay

Donald C. Wallace, Solicitor
North Bay

Barbara Morland Wellard, Solicitor
North Bay

Norfolk County

John H. Harrison, Q.C.
Delhi

Western Lumley, Retired Businessman
Delhi

Helen Maxwell, Community Service Work Co-ordinator
Simcoe

W. Brian Stead, Solicitor
Simcoe

Jared E. Tisdale, Q.C.
Simcoe

James R. Tyrrell, Q.C.
Simcoe

Northumberland County

Douglas Barber, Solicitor
Bowmanville

George Blyth, Self-employed
Colborne

Harvey M. Brent, Q.C.
Cobourg

James H. Clarke, Q.C.
Cobourg

Kenneth G. Gorman, Sheriff
Cobourg

Michael C.J. Harrison, Solicitor
Port Hope

Ronald F. Mitchell, Q.C.
Cobourg

James Oakman, Social Worker
Port Hope

Barbara Steel, Social Worker
Campbellford

J. Kingsley Van Nest, Solicitor
Bowmanville

Durham Region

Alta May Eberlee, Former Social Worker
Whitby

Thomas Greer, Q.C.
Oshawa

Kathy Guselle, Actress
Oshawa

Donald J. Halikowski, Solicitor
Oshawa

John D. Humphreys, Q.C.
Oshawa

Marilyn Hutchison, Housewife
Oshawa

Terrence Kelly, Q.C.
Oshawa

Peter Magda, Q.C.
Oshawa

Gregory G. Price, Solicitor
Oshawa

Nigel Schilling, Q.C.
Whitby

Roland Simon, Contractor
Whitby

David Sims, Q.C.
Whitby

Alexander Sosna, Solicitor
Oshawa

John Starzynski, Solicitor
Oshawa

Howard Swartz, Solicitor
Oshawa

Gary Valcour, Solicitor
Oshawa

George Wright, Solicitor
Pickering

Oxford County

Murray Borndahl, Solicitor
Ingersoll

W. Bernard Calder, Solicitor
Woodstock

Scott Campbell, Solicitor
Tillsonburg

James F. Hutchinson, Q.C.
Woodstock

P.D. McIntyre, Solicitor
Woodstock

F. Porter, Crown Attorney
Woodstock

Rev. Austin Snyder, Central United
Woodstock

Parry Sound District

W. Bruce Cunningham, Solicitor
Parry Sound

James Kyl-Heku, Probation Officer
Parry Sound

Dr. J.P. Mackay, District Coroner
Parry Sound

Keith Moore, Resort Owner
Nipissing

Frank D. Powell, Q.C.
Parry Sound

Peel Region

Louis Acri, Solicitor
Brampton

Noel A.N. DaSilva, Solicitor
Brampton

Kenneth Harris, Solicitor
Mississauga

Richard Honey, Retired Probation Officer
Brampton

Leo McGuigan, Q.C.
Crown Attorney, Mississauga

Heather Munro, Principal
Mississauga

Paul Roche, Q.C.
Mississauga

Philip Upshall, Q.C.
Brampton

Michael J. Walsh, Solicitor
Brampton

Brian M. Watson, Solicitor
Mississauga

Perth County

Stephen M. Chandler, Executive Director
Perth County Children's Aid Society, Stratford

Kenneth R. Goodman, Solicitor
Stratford

Perry C. Hill, Solicitor
Stratford

Richard J. Linley, Solicitor
Stratford

John R. McNally, Retired Executive
Stratford

Robert E. Mountain, Solicitor
Stratford

John M. Skinner, Q.C.
Stratford

John R. Stratton, Q.C.
Stratford

L. Ray Waller, Solicitor
Stratford

Ronald J. White, Solicitor
Stratford

Peterborough County

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Peterborough

James J. Daly, Q.C.
Peterborough

Stephen P. Kylie, Solicitor
Peterborough

James B. Lillico, Q.C.
Peterborough

Wendy Robson, Solicitor
Peterborough

Mrs. Gillian Sandeman, Executive Secretary
Youth of Autonabee, Peterborough

Raymond Taillon, Solicitor
Peterborough

Rainy River District

Lawrence A. Eustace, Solicitor
Fort Frances

Ron King, Executive Director
Family and Children's Services, Fort Frances

Charles S. McCormick, Q.C.
Fort Frances

Lawrence G. Phillips, Solicitor
Fort Frances

Theo Wolder, Solicitor
Fort Frances

Renfrew County

Henry J. Bradley, Q.C.
Pembroke

Sean Conway, M.P.P.
Pembroke

David H. Hill, Insurance Broker
Pembroke

Leslie A. Little, Retired Executive
General Motors of Canada, Pembroke

Delbert A. O'Brien, Q.C.
Pembrooke

Donald C. Rout, Probation Officer
Pembroke

Herbert W. Shaw, Q.C.
Pembroke

H. Graham Walsh, Q.C.
Pembroke

Simcoe County

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Barrie

J.N. Darling, Q.C.
Alliston

Thomas C. Dart, Solicitor
Barrie

Lionel P. Dion, Past Reeve
Town of Penetanguishene, Penetanguishene

Gregory T. Evans, Solicitor
Orillia

Ross E. Hughes, Retired Sheriff
Bradford

Art Kneeshaw, Retired Registrar
Bradford

G.W. Paisley, Solicitor
Barrie

V.L. Vandergust, Solicitor
Collingwood

Ramona Wildman, Solicitor
Barrie

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Alexandria

Harry Follon, Solicitor
Cornwall

Carlton F. McInnis, Q.C.
Morrisburg

Patrick V. Rudden, Q.C.
Cornwall

Bernard Shields, Solicitor
Cornwall

Kenneth Sliter, Executive Director
Big Brothers, Cornwall

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New Liskeard

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Kirkland Lake

Theodore R. Byck, Solicitor
Haileybury

Dawn L. Clark, Solicitor
Haileybury

Robert A. Dinnen, Solicitor
Kirkland Lake

Murray N. Ellies, Q.C.
Kirkland Lake

Donald B. Evans, Solicitor
Kirkland Lake

G. Normand Glaude, Solicitor
New Liskeard

Ian M. Gordon, Q.C.
Haileybury

Richard F. Grant, Solicitor
New Liskeard

John D.V. Hoyles, Solicitor
New Liskeard

Neal J. Kearney, Solicitor
New Liskeard

Henry Lafleur, Insurance Agent
Haileybury

Gilbert A. Maille, Solicitor
New Liskeard

Robert D. McChestney, Insurance Agent
Kirkland Lake

George J. Morissette, Businessman
Haileybury

Judith Munn, Solicitor
Kirkland Lake

D. Cragg Ross, Q.C.
New Liskeard

Gavin Shorrock, Solicitor
Kirkland Lake

Owen J.R. Smith, Q.C.
New Liskeard

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Thunder Bay

John W. Erickson, Q.C.
Thunder Bay

S.G. Kovanchak, Solicitor
Thunder Bay

Dr. Russell Peden, Minister
Thunder Bay

Jack Stokes, MPP
Schrieber

G.B. Weiler, Q.C.
Thunder Bay

Jack White, Probation and Aftercare Officer
Thunder Bay

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Lindsay

Edward J Gardiner, Solicitor
Lindsay

David R. Gemmill, Solicitor
Lindsay

E.G. Hill, Q.C.
Lindsay

Timothy Johnston, Solicitor
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Waterloo Region

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T.J. Billo, Solicitor
Kitchener

Susan Burke, Museum Curator
Kitchener

Jack Cornell, Retired Insurance Executive, Kitchener

Kenneth C. Dick, Supervisor of Field Services
Waterloo Regional Social Services, Waterloo

Brian P. Eby, Solicitor
Kitchener

Lee Fitzpatrick, Solicitor
Kitchener

Barbara C. Foell, Solicitor
Waterloo

Stephen C. Glithero, Q.C.
Kitchener

Susan Kachmar, Job Developer
Employment Resource Centre, Kitchener

Brian Law, Solicitor
Cambridge

James Marentette, Solicitor
Kitchener

Hildegarde Marsden, Retired Dean of Women
University of Waterloo, Waterloo

Nan Moore, Supervisor
Justice of the Peace, Cambridge

B.T. Paquette, Solicitor
Kitchener

Jill Rouse, Retired Project Manager
Cambridge

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Waterloo

G.E. Taylor, Solicitor
Waterloo

Colin R. Westman, Solicitor
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R.F.B. Woynarski, Solicitor
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Fergus

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Guelph

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Terrence Jackman, Solicitor
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Guelph

Ronald Noble, Solicitor
Guelph

Ronald Sansom, Solicitor
Guelph

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Guelph

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Community Service Council
Guelph

John Valeriote, Solicitor
Guelph

Hamilton-Wentworth Region

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United Church, Hamilton

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Sandra Fuss, Housewife
Dundas

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Crown Attorney, Hamilton

Ross C. Howell, Q.C.
Hamilton

Richard Jennis, Solicitor
Hamilton

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Phillip Leon, Insurance Underwriter
Hamilton

Thomas Lofchick, Q.C.
Hamilton

Patric Mackesy, Solicitor
Hamilton

E. Mason, Businessman
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Centre of Criminology

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Ronald Cohen, Solicitor

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David Cousins, Solicitor

Harold A. Dale, Solicitor

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Department of Psychiatry, University of Toronto

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Gregory Jones, Solicitor

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Mark Kerbel, Solicitor

Ted Kielb, Solicitor

Kristine Kijewski, Operational Planning Analyst
Metro Toronto Police

A.M. Kirkpatrick, former Executive Director
John Howard Society

Peter Kiviloo, Senior Probation Officer

Frances Knoll, Office of the Official Guardian

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Solicitor General's Department

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Social Research & Management Consulting Firm
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Department of Correctional Services
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Co-ordinating and Advisory Group, Newmarket
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Newmarket
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Markham
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Newmarket
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Newmarket
Lonny W. Mark, Solicitor
Aurora
Janet McChesney, Freelance Personnel Consultant
Newmarket
Ted McClenny, Teaching Master
Seneca College
Sam Nasello, Solicitor
Sutton West